

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP	§	
	§	
V.	§	CIVIL NO. 2:06-CV-47(TJW)
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.	§	

**NOTICE OF SCHEDULING CONFERENCE,
PROPOSED DEADLINES FOR DOCKET CONTROL ORDER
AND DISCOVERY ORDER**

The court, *sua sponte*, issues this Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order.

Notice of Scheduling Conference

Pursuant to Fed. R. Civ. P. 16 and Local Rule CV-16, the Scheduling Conference in this case is set for **February 6, 2007, at 1:30 p.m. in Marshall, Texas**. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) prior to the conference. The parties are excused from the requirement of filing a written proposed discovery plan in this case.

Proposed Deadlines for Docket Control Order

The proposed deadlines for docket control order set forth in the attached Appendix A shall be discussed at the Scheduling Conference. The court will not modify the proposed trial date except for good cause shown.

Discovery Order

After a review of the pleaded claims and defenses in this action and in furtherance of the management of the court's docket under Fed. R. Civ. P. 16, it is ORDERED AS FOLLOWS:

1. **Disclosures.** Except as provided by paragraph 1(h), and, to the extent not already disclosed,

within thirty (30) days after the Scheduling Conference, each party shall disclose to every other party the following information:

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual bases of the disclosing party's claims or defenses (the disclosing party need not marshal all evidence that may be offered at trial);
- (d) the name, address, and telephone number of persons having knowledge of relevant facts, a brief statement of each identified person's connection with the case, and a brief, fair summary of the substance of the information known by any such person;
- (e) any indemnity and insuring agreements under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment entered in this action or to indemnify or reimburse for payments made to satisfy the judgment;
- (f) any settlement agreements relevant to the subject matter of this action;
- (g) any statement of any party to the litigation;
- (h) for any testifying expert, by the date set by the court in the Docket Control Order, each party shall disclose to the other party or parties:
 - a. the expert's name, address, and telephone number;
 - b. the subject matter on which the expert will testify;
 - c. if the witness is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the disclosing party regularly involve giving expert testimony:
 - (a) all documents, tangible things, reports, models, or data compilations

that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

(b) the disclosures required by Fed. R. Civ. P. 26(a)(2)(B) and Local Rule CV-26.

d. for all other experts, the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them or documents reflecting such information;

Any party may move to modify these disclosures for good cause shown.

2. **Protective Orders.** Upon the request of any party before or after the Scheduling Conference, the court shall issue the Protective Order in the form attached as Appendix B. Any party may oppose the issuance of or move to modify the terms of the Protective Order for good cause.

3. **Additional Disclosures.** In addition to the disclosures required in Paragraph 1 of this Order, at the Scheduling Conference, the court shall amend this discovery order and require each party, without awaiting a discovery request, to provide, to the extent not already provided, to every other party the following:

- (a) the disclosures required by the Patent Rules for the Eastern District of Texas;
- (b) within forty-five (45) days after the Scheduling Conference, a copy of all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to the case, except to the extent these disclosures are affected by the time limits set forth in the Patent Rules for the Eastern District of Texas. By written agreement of all parties, alternative forms of disclosure may be provided in lieu of paper copies. For example, the parties may agree to exchange images of

documents electronically or by means of computer disk; or the parties may agree to review and copy disclosure materials at the offices of the attorneys representing the parties instead of requiring each side to furnish paper copies of the disclosure materials;

- (c) within forty-five (45) days after the Scheduling Conference, a complete computation of any category of damages claimed by any party to the action, making available for inspection and copying as under Rule 34, the documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (d) within forty-five (45) days after the Scheduling Conference, those documents and authorizations described in Local Rule CV-34; and

The court shall order these disclosures in the absence of a showing of good cause by any party objecting to such disclosures.

- 4. **Discovery Limitations.** At the Scheduling Conference, the court shall also amend this discovery order to limit discovery in this cause to the disclosures described in Paragraphs 1 and 3 together with 60 interrogatories, 60 requests for admissions, the depositions of the parties, depositions on written questions of custodians of business records for third parties, depositions of three (3) expert witnesses per side and forty (40) hours of additional depositions per side. "Side" means a party or a group of parties with a common interest. Any party may move to modify these limitations for good cause.
- 5. **Privileged Information.** There is no duty to disclose privileged documents or information. However, the parties are directed to meet and confer concerning privileged documents or information after the Scheduling Conference. Within sixty (60) days after the Scheduling

Conference, the parties shall exchange privilege logs identifying the documents or information and the basis for any disputed claim of privilege in a manner that, without revealing information itself privileged or protected, will enable the other parties to assess the applicability of the privilege or protection. Any party may move the court for an order compelling the production of any documents or information identified on any other party's privilege log. If such a motion is made, the party asserting privilege shall respond to the motion within the time period provided by Local Rule CV-7. The party asserting privilege shall then file with the Court within thirty (30) days of the filing of the motion to compel any proof in the form of declarations or affidavits to support their assertions of privilege, along with the documents over which privilege is asserted for *in camera* inspection. If the parties have no disputes concerning privileged documents or information, then the parties shall inform the court of that fact within sixty (60) days after the Scheduling Conference.

6. **Pre-trial disclosures.** Absent a showing of good cause by any party, the court shall require the following additional disclosures:

Each party shall provide to every other party regarding the evidence that the disclosing party may present at trial as follows:

- (a) The name and, if not previously provided, the address and telephone number, of each witness, separately identifying those whom the party expects to present at trial and those whom the party may call if the need arises.
- (b) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.
- (c) An appropriate identification of each document or other exhibit, including summaries

of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

Unless otherwise directed by the court, these disclosures shall be made at least 30 days before trial. Within 14 days thereafter, unless a different time is specified by the court, a party may serve and file a list disclosing (1) any objections to the use under Rule 32(a) of a deposition designated by another party under subparagraph (B), and (2) any objections, together with the grounds therefor, that may be made to the admissibility of materials identified under subparagraph (c). Objections not so disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the court for good cause shown.

7. **Signature.** The disclosures required by this order shall be made in writing and signed by the party or counsel and shall constitute a certification that, to the best of the signer's knowledge, information and belief, such disclosure is complete and correct as of the time it is made. If feasible, counsel shall meet to exchange disclosures required by this order; otherwise, such disclosures shall be served as provided by Fed. R. Civ. P. 5. The parties shall promptly file a notice with the court that the disclosures required under this order have taken place.
8. **Duty to Supplement.** After disclosure is made pursuant to this order, each party is under a duty to supplement or correct its disclosures immediately if the party obtains information on the basis of which it knows that the information disclosed was either incomplete or incorrect when made, or is no longer complete or true.
9. **Disputes.**
 - (a) Except in cases involving claims of privilege, any party entitled to receive disclosures may, after the deadline for making disclosures, serve upon a party required to make

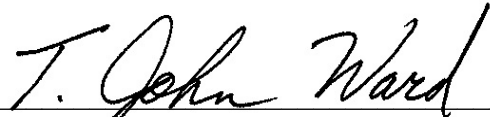
disclosures a written statement, in letter form or otherwise, of any reason why the party entitled to receive disclosures believes that the disclosures are insufficient. The written statement shall list, by category, the items the party entitled to receive disclosures contends should be produced. The parties shall promptly meet and confer. If the parties are unable to resolve their dispute, then the party required to make disclosures shall, within fourteen (14) days after service of the written statement upon it, serve upon the party entitled to receive disclosures a written statement, in letter form or otherwise, which identifies (1) the requested items that will be disclosed, if any, and (2) the reasons why any requested items will not be disclosed. The party entitled to receive disclosures may thereafter file a motion to compel.

- (b) Counsel are directed to contact the chambers of the undersigned for any “hot-line” disputes before contacting the Discovery Hotline provided by Local Rule CV-26(e). If the undersigned is not available, the parties shall proceed in accordance with Local Rule CV-26(e).

10. **No Excuses.** A party is not excused from the requirements of this Discovery Order because it has not fully completed its investigation of the case, or because it challenges the sufficiency of another party’s disclosures, or because another party has not made its disclosures. Absent court order to the contrary, a party is not excused from disclosure because there are pending motions to dismiss, to remand or to change venue.
11. **Filings.** Any filings in excess of twenty (20) pages, counsel is directed to provide a courtesy copy to Chambers, simultaneously with the date of filing.

12. **Modifications to Patent Rules.** The attached Appendix C applies to this case and supplements the Patent Rules for the Eastern District of Texas. These modifications are not intended to apply to any other case except as may be expressly provided by order of this Court.

SIGNED this 12th day of January, 2007.

A handwritten signature in black ink, reading "T. John Ward", is written over a horizontal line.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE

APPENDIX A

PROPOSED DEADLINES FOR DOCKET CONTROL ORDER

PROPOSED DEADLINES TO BE DISCUSSED AT THE SCHEDULING CONFERENCE February 6, 2007

**Monday,
June 2, 2008**

Jury Selection - 9:00 a.m. in **Marshall, Texas**

May 22, 2008

Pretrial Conference - 9:30 a.m. in **Marshall, Texas**

May 16, 2008

Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

May 19, 2008

Motions in Limine (due three days before final Pre-Trial Conference).

Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, **903/935-2295**. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference. **The parties shall limit their motions in limine to those issues which, if improperly introduced into the trial of the cause, would be so prejudicial that the Court could not alleviate the prejudice with appropriate instruction(s).**

April 18, 2008

Response to Dispositive Motions (including *Daubert* motions)

May 2, 2008

Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

April 4, 2008

For Filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

March 4, 2008

Defendant to Identify Trial Witnesses

February 19, 2008

Plaintiff to Identify Trial Witnesses

February 19, 2008

Discovery Deadline

30 Days after claim construction ruling
Designate Rebuttal Expert Witnesses other than claims construction
Expert witness report due
Refer to Discovery Order for required information.

15 Days after claim construction ruling
Comply with P.R. 3-8.

15 Days after claim construction ruling
Party with the burden of proof to designate Expert Witnesses other than claims construction
Expert witness report due
Refer to Discovery Order for required information.

November 20, 2007

Claim construction hearing 9:00 a.m., **Marshall, Texas.**

October 26, 2007

Comply with P.R. 4-5(c).

October 19, 2007

Comply with P.R. 4-5(b).

October 5, 2007	Comply with P.R. 4-5(a).
September 12, 2007	Discovery deadline—claims construction issues
September 5, 2007	Respond to Amended Pleadings
August 22, 2007	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after August 22, 2007.)
August 22, 2007	Comply with P.R. 4-3.
July 23, 2007	Comply with P.R. 4-2.
July 3, 2007	Comply with P.R. 4-1.
March 21, 2007	Comply with P.R. 3-3.
April 6, 2007	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
March 6, 2007	Join Additional Parties
February 16, 2007	Comply with P.R. 3-1

**To be discussed at
Scheduling Conference**

Mediation to be completed

If the parties agree that mediation is an option, the Court will appoint a mediator or the parties will mutually agree upon a mediator. If the parties choose the mediator, they are to inform the Court by letter the name and address of the mediator. The courtroom deputy will immediately mail out a "mediation packet" to the mediator for the case. The mediator shall be deemed to have agreed to the terms of Court Ordered Mediation Plan of the United States District Court of the Eastern District of Texas by going forth with the mediation. General Order 99-2.

February 6, 2007

Scheduling Conference (All attorneys are directed to Local Rule CV-16 for scope of the Scheduling Conference).

The parties are directed to Local Rule CV-7(d), which provides in part that "[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition." Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;

- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP	§	
	§	
V.	§	CIVIL NO. 2:06-CV-47(TJW)
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.	§	

STANDARD PROTECTIVE ORDER

The Court, *sua sponte*, issues this Protective Order to facilitate document disclosure and production under the Local Rules of this Court and the Federal Rules of Civil Procedure. Unless modified pursuant to the terms contained in this Order, this Order shall remain in effect through the conclusion of this litigation.

In support of this order, the court finds that:

1. Documents or information containing confidential proprietary and business information and/or trade secrets (“Confidential Information”) that bear significantly on the parties’ claims or defenses is likely to be disclosed or produced during the course of discovery in this litigation;
2. The parties to this litigation may assert that public dissemination and disclosure of Confidential Information could severely injure or damage the party disclosing or producing the Confidential Information and could place that party at a competitive disadvantage;
3. Counsel for the party or parties receiving Confidential Information are presently without sufficient information to accept the representation(s) made by the party or parties producing Confidential Information as to the confidential, proprietary, and/or trade secret nature of such

Confidential Information; and

4. To protect the respective interests of the parties and to facilitate the progress of disclosure and discovery in this case, the following Order should issue:

IT IS THEREFORE ORDERED THAT:

1. Documents or discovery responses containing Confidential Information disclosed or produced by any party in this litigation are referred to as “Protected Documents.” Except as otherwise indicated below, all documents or discovery responses designated by the producing party as “Confidential” and which are disclosed or produced to the attorney’s for the other parties to this litigation are Protected Documents and are entitled to confidential treatment as described below.
2. Protected Documents shall not include (a) advertising materials, (b) materials that on their face show that they have been published to the general public, or (c) documents that have submitted to any governmental entity without request for confidential treatment.
3. At any time after the delivery of Protected Documents, counsel for the party or parties receiving the Protected Documents may challenge the Confidential designation of all or any portion thereof by providing written notice thereof to counsel for the party disclosing or producing the Protected Documents. If the parties are unable to agree as to whether the confidential designation of discovery material is appropriate, the party or parties receiving the Protected Documents shall certify to the Court that the parties cannot reach an agreement as to the confidential nature of all or a portion of the Protected Documents. Thereafter, the party or parties disclosing or producing the Protected Documents shall have ten (10) days from the date of certification to file a motion for protective order with regard to any Protected Documents in dispute. The party or parties producing the Protected Documents shall have

the burden of establishing that the disputed Protected Documents are entitled to confidential treatment. If the party or parties producing the Protected Documents do not timely file a motion for protective order, then the Protected Documents in dispute shall no longer be subject to confidential treatment as provided in this Order. All Protected Documents are entitled to confidential treatment pursuant to the terms of this Order until and unless the parties formally agree in writing to the contrary, a party fails to timely move for a protective order, or a contrary determination is made by the Court as to whether all or a portion of a Protected Document is entitled to confidential treatment.

4. Confidential Treatment. Protected Documents and any information contained therein shall not be used or shown, disseminated, copied, or in any way communicated to anyone for any purpose whatsoever, except as provided for below.
5. Protected Documents and any information contained therein shall be disclosed only to the following persons ("Qualified Persons"):
 - (a) Counsel of record in this action for the party or party receiving Protected Documents or any information contained therein;
 - (b) Employees of such counsel (excluding experts and investigators) assigned to and necessary to assist such counsel in the preparation and trial of this action; and
 - (c) The Court.

Protected Documents and any information contained therein shall be used solely for the prosecution of this litigation.

6. Counsel of record for the party or parties receiving Protected Documents may create an index of the Protected Documents and furnish it to attorneys of record representing or having represented parties involved in litigation involving the claims alleged in this suit against the party or parties disclosing or producing the Protected Documents. The index may only

identify the document, date, author, and general subject matter of any Protected Document, but may not reveal the substance of any such document. Counsel for the party or parties receiving Protected Documents shall maintain a current log of the names and addresses of persons to whom the index was furnished.

7. The term “copy” as used herein means any photographic, mechanical or computerized copy or reproduction of any document or thing, or any verbatim transcript, in whole or in part, of such document or thing.
8. To the extent that Protected Documents or information contained therein are used in depositions, at hearings, or at trial, such documents or information shall remain subject to the provisions of this Order, along with the transcript pages of the deposition testimony and/or trial testimony referring to the Protected Documents or information contained therein.
9. Any court reporter or transcriber who reports or transcribes testimony in this action shall agree that all “confidential” information designated as such under this Order shall remain “confidential” and shall not be disclosed by them, except pursuant to the terms of this Order, and that any notes or transcriptions of such testimony (and any accompanying exhibits) will be retained by the reporter or delivered to counsel of record.
10. Inadvertent or unintentional production of documents or information containing Confidential Information which are not designated “confidential” shall not be deemed a waiver in whole or in part of a claim for confidential treatment.
11. The party or parties receiving Protected Documents shall not under any circumstances sell, offer for sale, advertise, or publicize Protected Documents or any information contained therein.
12. After termination of this litigation, the provisions of this Order shall continue to be binding,

except with respect to those documents and information that become a matter of public record. This Court retains and shall have continuing jurisdiction over the parties and recipients of the Protected Documents for enforcement of the provisions of this Order following termination of this litigation.

13. Upon termination of this action by dismissal, judgment, or settlement, counsel for the party or parties receiving Protected Documents shall return the Protected Documents to the counsel for the party or parties disclosing or producing the Protected Documents. The party or parties receiving the Protected Documents shall keep their attorney work product which refers or relates to any Protected Documents. Attorney work product may be used in subsequent litigation provided that such use does not disclose Protected Documents or any information contained therein.
14. This Order shall be binding upon the parties and their attorneys, successors, executors, personal representatives, administrators, heirs, legal representatives, assigns, subsidiaries, divisions, employees, agents, independent contractors, or other persons or organizations over which they have control.
15. The Court anticipates and encourages the parties to file a motion to modify the terms hereof with respect to the sharing of Protected Documents with experts and consultants; shifting the cost burden of production equitably; and other terms that may be reasonably required to protect a party as provided in Rule 26(b) or (c) of the Federal Rules of Civil Procedure.

So ORDERED AND SIGNED this _____ day of _____, 2007.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE

APPENDIX C

ORDER RELATING TO PATENT CASES BEFORE JUDGE T. JOHN WARD

The Court issues certain modifications to the Eastern District Patent Rules. The modifications relate to three issues: (1) Notice Requirements, (2) Infringement and Invalidity Contentions for Software, and (3) Deadlines Related to Claim Construction.

I. Notice Requirements

The Court has seen a dramatic increase in the number of disputes related to parties serving “supplemental,” “additional,” or “revised” P.R. 3-1 or P.R. 3-3 disclosures. In the past, parties were not required to provide notice to the Court regarding compliance with P.R. 3-1 or P.R. 3-3. Thus, certain parties attempted to avoid the rule that Preliminary Contentions are final except as provided in P.R. 3-6 and P.R. 3-7. Accordingly, the Court modifies P.R. 3-1 and P.R. 3-3 in the following manner:

P.R. 3-1(g): Any time a party claiming patent infringement serves Preliminary Infringement Contentions on an opposing party, the party claiming patent infringement shall also file with the Court a Notice of Compliance with P.R. 3-1.

P.R. 3-3(e): Any time a party opposing patent infringement serves Preliminary Invalidity Contentions on an opposing party, the party opposing patent infringement shall also file with the Court a Notice of Compliance with P.R. 3-3.

Under this Court’s interpretation of the Patent Rules, leave of Court is required for serving “amended,” “supplemental,” or “revised” P.R. 3-1 or P.R. 3-3 disclosures. The Court will strike “amendments,” “supplements,” or “revisions” of P.R. 3-1 or P.R. 3-3 disclosures that do not comply with P.R. 3-6 or P.R. 3-7.

II. Infringement and Invalidity Contentions for Software

Additional modifications to the Patent Rules regarding P.R. 3-1 and P.R. 3-3 are being made

to reduce discovery disputes and motion practice resulting from patents that contain software claim limitations. The Patent Rules require a party asserting claims of patent infringement to take a firm position in the litigation as it relates to infringement early on in the case. This and other courts in the Eastern District of Texas, however, recognize that software claim limitations present unique challenges for the parties because parties claiming patent infringement do not typically have access to an opposing party's source code before filing suit. At the same time, parties opposing a claim for patent infringement are hampered in their ability to prepare a defense absent specific infringement contentions from the party asserting claims of patent infringement.

The lack of access to source code coupled with an opponent's right to prepare a defense has led to numerous discovery disputes. To alleviate these disputes and to provide clear direction to the parties as to their rights and responsibilities under the Patent Rules, the Court modifies the Patent Rules in a manner consistent with such cases as *American Video Graphics, L.P. v. Electronic Arts, Inc.*, 359 F. Supp. 2d 558 (E.D. Tex. 2005).

The Court's modifications to P.R. 3-1 and P.R. 3-3 are set out below.

P.R. 3-1 (h): If a party claiming patent infringement asserts that a claim element is a software limitation, the party need not comply with P.R. 3-1 for those claim elements until 30 days after source code for each Accused Instrumentality is produced by the opposing party. Thereafter, the party claiming patent infringement shall identify, on an element-by-element basis for each asserted claim, what source code of each Accused Instrumentality allegedly satisfies the software limitations of the asserted claim elements.

P.R. 3-3(f): If a party claiming patent infringement exercises the provisions of P.R. 3-1(g), the party opposing a claim of patent infringement may serve, not later than 30 days after receipt of a P.R. 3-1(g) disclosure, supplemental "Preliminary Invalidity Contentions" that amend only those claim elements identified as software limitations by the party claiming patent infringement.

Thus, if a party claiming patent infringement asserts that a claim element (or the entire claim) is software, that party need only identify the element as a software limitation in its initial compliance

with P.R. 3-1, but does not need to identify where such limitation is met in the Accused Instrumentality. After receipt of the source code for an Accused Instrumentality, the party is permitted 30 days to supplement its P.R. 3-1 disclosure to identify, with specificity, the source code of the Accused Instrumentality that allegedly satisfies the software claim elements. P.R. 3-1(g) does not allow Plaintiff the opportunity to modify or amend any non-software claim contentions.

Likewise, once a party opposing a claim of patent infringement is in receipt of a P.R. 3-1(g) disclosure, the party is allowed 30 days to modify its initial P.R. 3-3 disclosures, but only to the extent the modifications relate to the software claim elements identified by the party claiming patent infringement. P.R. 3-3(e) does not allow a party opposing a claim of infringement an opportunity to modify or amend any non-software contentions.

III. Claim Construction Deadlines

The final amendments to the Patent Rules relate to claim construction deadlines. In the Eastern District Patent Rules, claim construction deadlines are triggered by the filing of the parties' Infringement and Invalidity Contentions. The increase of patent cases before this Court has resulted in a large number of Claim Construction hearings and, as a result, strict application of the Patent Rules yields a P.R. 4-5 deadline approximately three months or more before Court could accommodate a Claim Construction Hearing.

To facilitate the case, resolve discovery disputes, and have claim construction hearings a reasonable time after briefing is complete, the Court modifies the deadlines in P.R. 4-1 and P.R. 4-3 as set forth below:

4-1. Exchange of Proposed Terms and Claim Elements for Construction.

(a) Not later than *140 days before the date set for the Claim Construction Hearing*, each party shall simultaneously exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. § 112(6).

4-3. Joint Claim Construction and Prehearing Statement.

Not later than *30 days after “Exchange of Preliminary Claim Constructions and Extrinsic Evidence” in compliance with P.R. 4.2*, the parties shall complete and file a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

Thus, the Court’s modifications will make the trigger of P.R. 4-1 through P.R. 4-5 the date of the Claim Construction Hearing. For clarification, the Court notes that the “140 days” set forth in P.R. 4-1 was not chosen to confuse the parties but was instead chosen so as to be evenly divisible by 7. Thus, whatever the date of the Claim Construction Hearing, the deadline for complying with P.R. 4-1 will always fall on a weekday. If that weekday is a Federal Holiday, the deadline for complying with P.R. 4-1 is extended to the first day that is not a Saturday, Sunday or other Federal Holiday.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP,	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 2:06-cv-00047
VS.	§	JUDGE T. JOHN WARD
	§	
SHARP CORPORATION and	§	JURY TRIAL REQUESTED
SHARP ELECTRONICS CORP.,	§	
Defendants.	§	

**DEFENDANTS SHARP CORPORATION AND
SHARP ELECTRONICS CORP.'S
NOTICE OF COUNSEL'S CHANGE OF FIRM**

Defendants Sharp Corporation and Sharp Electronics Corp. hereby give notice that effective January 1, 2007, the firm of Pitney Hardin LLP, of which attorneys Richard H. Brown, Gerald Levy, and Yukio Kashiba were members, merged with Day Berry & Howard LLP forming Day Pitney LLP. Mr. Brown, Mr. Levy and Mr. Kashiba are members of Day Pitney LLP and also continue to be attorneys of record in this cause. The name of the firm of Day Pitney LLP rather than the firm of Pitney Hardin LLP will now be reflected on the pleadings filed in behalf of Defendants.

Respectfully submitted,



Tom Henson
State Bar Card No. 09494000
RAMEY & FLOCK, P.C.
100 East Ferguson
Suite 500
Tyler, Texas 75702
(903) 597-3301
(903) 597-2413 (FAX)
thenson@rameyflock.com

Gerald Levy
Richard H. Brown
Yukio Kashiba
DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800
(212) 916-2940 (FAX)

Attorneys for Defendants
SHARP CORPORATION and
SHARP ELECTRONICS CORP.

DATED: January 29, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail on this the 29th day of January, 2007.


Tom Henson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP	§	
Plaintiff	§	
	§	
vs.	§	No: 2:06CV-00047 (TJW)
	§	
SHARP CORPORATION and	§	JURY TRIAL REQUESTED
SHARP ELECTRONICS CORP.	§	
Defendants	§	

NOTICE OF APPEARANCE

Notice is hereby given that attorney Charles Ainsworth enters his appearance in this matter as additional counsel for Plaintiff Rembrandt Technologies, LP for the purpose of receiving notices from the Court.

Dated: February 1, 2007

Respectfully submitted,

/s/ Charles Ainsworth

Charles Ainsworth

State Bar No. 00783521

Robert Christopher Bunt

State Bar No. 00787165

Robert M. Parker

State Bar No. 15498000

PARKER, BUNT & AINSWORTH, P.C.

100 E. Ferguson, Suite 1114

Tyler, Texas 75702

903/531-3535

903/533-9687 - Facsimile

E-mail: rmparker@pbatyler.com

E-mail: rcbunt@pbatyler.com

E-mail: charley@pbatyler.com

Attorneys for Plaintiff

Rembrandt Technologies, LP

CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record, who are deemed to have consented to electronic service are being served this February 1, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CD-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Charles Ainsworth

Charles Ainsworth

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

TEXAS

REMBRANDT TECHNOLOGIES, LP
V.
SHARP CORPORATION, ET AL.

NOTICE

CASE NUMBER: 2:06-CV-47(TJW)

TYPE OF CASE:

☒ **CIVIL**

☐ **CRIMINAL**

TAKE NOTICE that a proceeding in this case has been set for the place, date, and time set forth below:

PLACE

ROOM NO.

DATE AND TIME

TYPE OF PROCEEDING

SCHEDULING CONFERENCE (Please NOTE that the scheduling conference previously set for 2/06/07 has been CANCELLED. The scheduling conference has been RESET to February 20, 2007 @ 10:30 a.m.)

☒ **TAKE NOTICE** that a proceeding in this case has been continued as indicated below:

PLACE

United States District Court
100 E. Houston Street
MARSHALL, TX 75670

DATE AND TIME PREVIOUSLY
SCHEDULED

February 6, 2007 @ 1:30 p.m.

CONTINUED TO DATE
AND TIME

February 20, 2007 @ 10:30 a.m.

David J. Maland

US MAGISTRATE JUDGE OR CLERK OF COURT

February 1, 2007

DATE

Sonja H. Dupree

(BY) DEPUTY CLERK

TO: ALL COUNSEL OF RECORD

—
—
ACKNOWLEDGMENT

NOTICE TO COUNSEL: Please sign in the space provided below and return to the court by facsimile, (903) 935-2295, within three (3) days of your receipt of the enclosed notice.

I acknowledge receipt of the indicated notice on the date shown below.

Case No. _____

Signature of Atty. _____
Date

Print Name of Atty. _____

Counsel for _____
(Name of Party)

Type of Proceeding: _____
(e.g., Scheduling Conference)

Date of Proceeding: _____

Time of Proceeding: _____

Location of Proceeding: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:06-cv-00047-TJW
VS.	§	
	§	
SHARP CORPORATION and SHARP	§	JURY TRIAL REQUESTED
ELECTRONICS CORPORATION,	§	
	§	
Defendants.	§	

**NOTICE OF SUBMISSION OF REPORT OF
THE PARTIES' MEET AND CONFER**

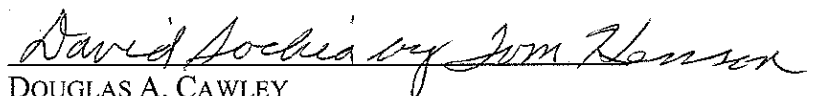
TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff, Rembrandt Technologies, LP, and Defendants, Sharp Corporation and Sharp Electronics Corp., and submit to the Court that all parties are in agreement with the modified scheduling deadlines and other matters proposed in the attached Report of the Parties' Meet and Confer.

DATED: February 16, 2007.

Respectfully Submitted:


McKOOL SMITH, P.C.


DOUGLAS A. CAWLEY
Lead Attorney
Texas State Bar No. 04035500
dcawley@mckoolsmith.com
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

SAMUEL F. BAXTER
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
DAVID SOCHIA
Texas State Bar No. 00797470
dsochia@mckoolsmith.com
BRADLEY W. CALDWELL
Texas State Bar No. 24040630
bcaldwell@mckoolsmith.com
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

PARKER & BUNT
ROBERT M. PARKER
State Bar No. 15498000
rmparker@cox-internet.com
ROBERT CHRISTOPHER BUNT
State Bar No. 00787165
cbunt@cox-internet.com
100 E. Ferguson, Suite 114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
REMBRANDT TECHNOLOGIES, LP**


Tom Henson
State Bar Card No. 09494000
RAMEY & FLOCK, P.C.
100 East Ferguson
Suite 500
Tyler, Texas 75702
(903) 597-3301
(903) 597-2413 (FAX)
thenson@rameyflock.com

Gerald Levy
Richard H. Brown
Yukio Kashiba
DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800
(212) 916-2940 (FAX)

**ATTORNEYS FOR DEFENDANTS
SHARP CORPORATION and
SHARP ELECTRONICS CORP.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail on this the 16th day of February, 2007.



Tom Henson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP,	:	Civil Action No. 2:06-cv-00047-TJW
Plaintiff,	:	
v.	:	REPORT OF THE PARTIES' MEET
	:	AND CONFER
SHARP CORPORATION and SHARP	:	
ELECTRONICS CORPORATION,	:	
Defendants.	:	

Plaintiffs Rembrandt Technologies, and Defendants Sharp Corporation and Sharp Electronics Corp. (collectively, "Sharp") conducted a Rule 26(f) meet and confer in advance of the February 20, 2007 scheduling conference. The parties' positions are described below:

1. Proposed modification of deadlines:

a) With the change in the date of the schedule conference, the parties propose the following changes to the deadlines in the docket control order:

March 5, 2007 Comply with P.R. 3-1 and 3.2

April 4, 2007 Comply with P.R. 3.3 and 3.4

April 19, 2007 Join Additional Parties.

b) The parties agree to exchange privilege logs by June 11, 2007.

c) The parties propose to submit technology tutorials to the court by November 2, 2007.

d) Expert disclosure/reports. The parties propose that the deadline for designating witnesses (other than on claim construction) and making expert disclosure on issues where a party bears the

burden proof be February 15, 2008, or 30 days after the claim construction ruling, whichever is later. The parties propose the deadline for designation of rebuttal expert witness and disclosure will be March 14, 2008, or 60 days after claim construct, which ever date is later.

e) The parties agree on the following additional deadlines:

April 4, 2008	Discovery deadline
April 4, 2008	Parties to identify trial witness on issues for which they bear the burden of proof
April 11, 2008	Parties to identify rebuttal witness
April 11, 2008	Deadline for filing dispositive motions and any other motions that may require a hearing
April 25, 2008	Response to Dispositive Motions
May 5, 2008	Video Deposition Designation
May 12, 2008	Motions in limine due
May 19, 2008	Responses to motions in limine due

2. The parties will confer about submitting a protective order that includes modifications of some of the terms in the Protective Order attached as Appendix B to Notice of Scheduling Conference. Rembrandt will provide a draft of the proposed order to Sharp shortly.

3. Rembrandt has proposed that all production of electronic documents be done in the following format: single page .tif file, with OCR and a load file. Sharp is generally in agreement with that proposal with respect to electronic documents in English. Sharp has advised that it cannot agree to the OCR request with respect to documents in Japanese.

4. Sharp submits that due to the potential volume of relevant documents, the date for completion of production of all documents may need to be extended. Sharp will make a good faith

effort to produce relevant documents describing the accused products by the deadline, but notes that the production will be completed on a rolling basis.

5. Discovery limitations

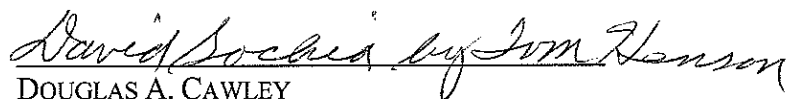
a. The parties agree to a limit of 25 interrogations per side, 60 substantive requests for admission per side and an unlimited number of request for admission for purpose of authentication of documents.

b. Depositions. The parties also agree that in addition to the depositions of the parties, depositions on written questions of custodians of business records for third parties, depositions of three (3) expert witnesses per side and forty (40) hours of additional depositions per side set forth in the Court's notice, the parties agree that they may depose each non-party supplier, non-party with prior art knowledge, inventor, or prosecuting attorney, and an additional 21 hours to depose new parties other than those described herein.

DATED: February 16, 2007.

Respectfully Submitted:

McKOOL SMITH, P.C.



DOUGLAS A. CAWLEY

Lead Attorney

Texas State Bar No. 04035500

dcawley@mckoolsmith.com

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

SAMUEL F. BAXTER

Texas State Bar No. 01938000

sbaxter@mckoolsmith.com

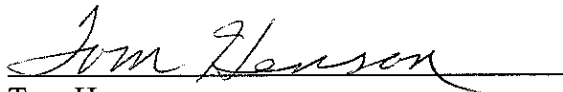
DAVID SOCHIA

Texas State Bar No. 00797470

dsochia@mckoolsmith.com
BRADLEY W. CALDWELL
Texas State Bar No. 24040630
bcaldwell@mckoolsmith.com
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

PARKER & BUNT
ROBERT M. PARKER
State Bar No. 15498000
rmparker@cox-internet.com
ROBERT CHRISTOPHER BUNT
State Bar No. 00787165
cbunt@cox-internet.com
100 E. Ferguson, Suite 114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
REMBRANDT TECHNOLOGIES, LP**

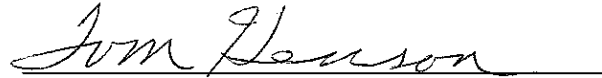

Tom Henson
State Bar Card No. 09494000
RAMEY & FLOCK, P.C.
100 East Ferguson
Suite 500
Tyler, Texas 75702
(903) 597-3301
(903) 597-2413 (FAX)
thenson@rameyflock.com

Gerald Levy
Richard H. Brown
Yukio Kashiba
DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800
(212) 916-2940 (FAX)

**ATTORNEYS FOR DEFENDANTS
SHARP CORPORATION and
SHARP ELECTRONICS CORP.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail on this the 16th day of February, 2007.


Tom Henson

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

REMBRANDT TECHNOLOGIES, LP,	§	
	§	
Plaintiff,	§	
	§	No. 2:06-CV-47-TJW
v.	§	
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.,	§	JURY TRIAL REQUESTED
	§	
Defendants.	§	

**JOINT MOTION TO AMEND SELECTED DATES IN
THE DOCKET CONTROL ORDER**

Plaintiff Rembrandt Technologies, LP, (“Rembrandt”) and Defendants Sharp Corporation and Sharp Electronics Corp. (collectively, “Sharp”), hereby jointly move the Court to amend four upcoming dates and respectfully show the Court the following:

On January 12, 2007, the Court issued its Notice of Scheduling Conference, Proposed Deadlines For Docket Control Order and Discovery Order setting a scheduling conference on February 6, 2007, with dates keying from the February 6 date. (Docket No. 22.)

Also on January 12, 2007, the February 6 scheduling conference was continued until February 20. (Docket No. 21.)

On February 16, the parties filed with the Court proposed modifications to certain dates in the docket control order in view of the continuance of the scheduling conference and other agreements between the parties. (Docket No. 26.) A new docket control order reflecting these agreed dates has not yet been entered.

According to agreed schedule in Docket No. 26, and in view of the February 20 scheduling conference, the following deadlines pertaining to this motion are currently in place:

1. Rembrandt is to comply with P.R. 3-1 and 3-2 on March 5, 2007.
2. The parties are to comply with Paragraph 1 (“Disclosures”) of the Court’s Discovery Order on March 22, 2007.
3. Sharp is to comply with P.R. 3-3 and 3-4 on April 4, 2007.
4. The parties are to comply with Paragraph 3 (“Additional Disclosures”) of the Court’s Discovery Order on April 6, 2007.
5. The deadline to join additional parties is April 19, 2007.

Rembrandt and Sharp now jointly move the Court to extend each of these dates four (4) weeks as follows:

1. Rembrandt will comply with P.R. 3-1 and 3-2 on April 2, 2007.
2. The parties will comply with Paragraph 1 (“Disclosures”) of the Court’s Discovery Order on April 19, 2007.
3. Sharp will comply with P.R. 3-3 and 3-4 on May 2, 2007.
4. The parties will comply with Paragraph 3 (“Additional Disclosures”) of the Court’s Discovery Order on May 4, 2007.
5. The deadline to join additional parties would be April 27, 2007.

The requested extensions are by agreement, for the convenience of the parties and their counsel, and not sought for the purpose of delay. The parties do not now foresee additional changes to these dates. The parties have not yet reached agreement on the deadline for Sharp’s proposed rolling production but will do so by the deadline set at the

scheduling conference and will notify the Court under a separate filing. The parties respectfully request that the Court allow the relief requested. A proposed Order granting this Motion is attached.

Dated: March 5, 2007

Respectfully submitted,

By: /s/ Sam Baxter

Sam Baxter

State Bar No. 01938000

McKOOL SMITH, P.C.

505 E. Travis, Suite 105

Marshall, Texas 75670

Telephone: (903) 927-2111

Telecopier: (903) 927-2622

sbaxter@mckoolsmith.com

Douglas A. Cawley

State Bar No. 04035500

McKOOL SMITH, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4006

Telecopier: (214) 978-4044

Robert M. Parker

Tex. State Bar No. 15498000

Robert Christopher Bunt

Tex. State Bar No. 00787165

PARKER & BUNT

100 E. Ferguson, Ste. 114

Tyler, Texas 75702

Telephone: (903) 531-3535

Facsimile: (903) 533-9687

ATTORNEYS FOR PLAINTIFF

REMBRANDT TECHNOLOGIES, LP

/s/ Richard H. Brown (w/permission SB)

Tom Henson
State Bar Card No. 09494000
RAMEY & FLOCK, P.C.
100 East Ferguson
Suite 500
Tyler, Texas 75702
(903) 597-3301
(903) 597-2413 (FAX)

Gerald Levy
Richard H. Brown
Yukio Kashiba
DAY PITNEY LLP
7 Times Square
New York, New York 10036-7311
(212) 297-5800
(212) 916-2940 (FAX)

**ATTORNEYS FOR DEFENDANTS
SHARP CORPORATION AND
SHARP ELECTRONICS, INC.**

CERTIFICATE OF SERVICE

The foregoing document and attachments were served upon counsel for all parties who have consented to service via the Court's ECF System on this 5th day of March, 2007.

/s/ David Sochia
David Sochia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP,	§	
	§	
Plaintiff,	§	
	§	No. 2:06-CV-47-TJW
v.	§	
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.,	§	JURY TRIAL REQUESTED
	§	
Defendants.	§	

ORDER

The Court, having considered the parties' Joint Motion to Amend Certain Dates in the Docket Control Order and finding good cause supporting it, finds the Motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Rembrandt shall comply with P.R. 3-1 and 3-2 on April 2, 2007. The parties shall comply with Paragraph 1 ("Disclosures") of the Court's Discovery Order on April 19, 2007. Sharp shall comply with P.R. 3-3 and 3-4 on May 2, 2007. The parties shall comply with Paragraph 3 ("Additional Disclosures") of the Court's Discovery Order on May 4, 2007. The deadline to join additional parties is April 27, 2007.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

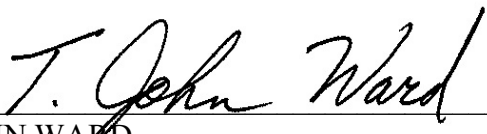
REMBRANDT TECHNOLOGIES, LP,	§	
	§	
Plaintiff,	§	
	§	No. 2:06-CV-47-TJW
v.	§	
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.,	§	JURY TRIAL REQUESTED
	§	
Defendants.	§	

ORDER

The Court, having considered the parties' Joint Motion to Amend Certain Dates in the Docket Control Order and finding good cause supporting it, finds the Motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Rembrandt shall comply with P.R. 3-1 and 3-2 on April 2, 2007. The parties shall comply with Paragraph 1 ("Disclosures") of the Court's Discovery Order on April 19, 2007. Sharp shall comply with P.R. 3-3 and 3-4 on May 2, 2007. The parties shall comply with Paragraph 3 ("Additional Disclosures") of the Court's Discovery Order on May 4, 2007. The deadline to join additional parties is April 27, 2007.

SIGNED this 7th day of March, 2007.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP	§	
	§	
V.	§	CIVIL NO. 2:06-CV-47(TJW)
	§	
SHARP CORPORATION and	§	
SHARP ELECTRONICS CORP.	§	

DOCKET CONTROL ORDER

In accordance with the case scheduling conference held herein on the 20th day of February, 2007, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

Monday, June 2, 2008	Jury Selection - 9:00 a.m. in Marshall, Texas
May 22, 2008	Pretrial Conference - 9:30 a.m. in Marshall, Texas
May 16, 2008	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.
May 19, 2008	Responses to motions in limine due
May 12, 2008	Motions in Limine (due three days before final Pre-Trial Conference).

Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, **903/935-2295**. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference. **The**

parties shall limit their motions in limine to those issues which, if improperly introduced into the trial of the cause, would be so prejudicial that the Court could not alleviate the prejudice with appropriate instruction(s).

May 5, 2008

Video Deposition Designation

May 2, 2008

Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

April 25, 2008

Response to Dispositive Motions (including *Daubert* motions)¹

Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

April 11, 2008

Deadline for Filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

April 18, 2008

Mediation to be completed

April 11, 2008

Parties to identify rebuttal witness

1

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

April 4, 2008	Parties to identify trial witness on issues for which they bear the burden of proof
February 19, 2008	Plaintiff to Identify Trial Witnesses
April 4, 2008	Discovery Deadline
March 14, 2008, or 60 days after claim construction ruling, whichever date is later.	Designate Rebuttal Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
February 15, 2008, or 30 days after claim construction ruling, whichever date is later.	Comply with P.R. 3-8.
February 15, 2008, or 30 days after claim construction ruling, whichever date is later.	Party with the burden of proof to designate Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
November 20, 2007	Claim construction hearing 9:00 a.m., Marshall, Texas.
November 2, 2007	Submit technical tutorials to the Court.
October 26, 2007	Comply with P.R. 4-5(c).
October 19, 2007	Comply with P.R. 4-5(b).
October 5, 2007	Comply with P.R. 4-5(a).
September 12, 2007	Discovery deadline

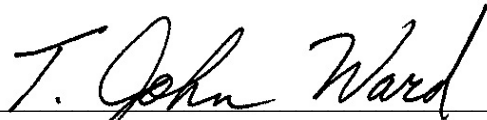
September 5, 2007	Respond to Amended Pleadings
August 22, 2007	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after August 22, 2007).
August 22, 2007	Comply with P.R. 4-3.
July 23, 2007	Comply with P.R. 4-2.
July 3, 2007	Comply with P.R. 4-1.
June 11, 2007	Privilege Logs to be exchanged by parties
April 27, 2007	Join Additional Parties
May 2, 2007	Comply with P.R. 3-3 and P.R. 3-4.
April 2, 2007	Comply with P.R. 3-1 and P.R. 3-2.

IT IS FURTHER ORDERED that the parties shall submit the name, address, telephone number, and fax number of an agreed mediator to the Court within thirty (30) days from the date of the Scheduling Conference. If the parties are unable to agree, the Court will appoint a mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 8th day of March, 2007.



T. JOHN WARD

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP)
)
Plaintiff,)
)
v.) Case No. 2:05-CV-443-TJW
)
COMCAST CORPORATION, COMCAST)
CABLE COMMUNICATIONS, LLC,)
COMCAST OF PLANO, LP,)
)
Defendants)
_____)

REMBRANDT TECHNOLOGIES, LP)
)
Plaintiff,)
)
v.) Case No. 2:06-CV-506-TJW
)
COMCAST CORPORATION, COMCAST)
CABLE COMMUNICATIONS, LLC,)
COMCAST OF PLANO, LP,)
)
Defendants)
_____)

REMBRANDT TECHNOLOGIES, LP)
)
Plaintiff,)
)
v.) Case No. 2:06-CV-047-TJW
)
SHARP CORPORATION and SHARP)
ELECTRONICS CORP.)
)
Defendants)
_____)

REMBRANDT TECHNOLOGIES, LP)
)
 Plaintiff,)
)
 v.) Case No. 2:06-CV-369-TJW
)
 TIME WARNER CABLE, INC.)
)
 Defendant)
)
 _____)

REMBRANDT TECHNOLOGIES, LP)
)
 Plaintiff,)
)
 v.) Case No. 2:06-CV-224-TJW
)
 TIME WARNER CABLE, INC.)
)
 Defendant)
)
 _____)

REMBRANDT TECHNOLOGIES, LP)
)
 Plaintiff,)
)
 v.) Case No. 2:06-CV-507-TJW
)
 CHARTER COMMUNICATIONS, INC.,)
 CHARTER COMMUNICATIONS)
 OPERATING, LLC, COXCOM,)
 INC., CSC HOLDINGS, INC., and)
 CABLEVISION)
 SYSTEMS CORPORATION)
)
 Defendants)
)
 _____)

REMBRANDT TECHNOLOGIES, LP)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:06-CV-223-TJW
)	
CHARTER COMMUNICATIONS, INC.,)	
CHARTER COMMUNICATIONS)	
OPERATING, LLC, COXCOM,)	
INC., CSC HOLDINGS, INC., and)	
CABLEVISION)	
SYSTEMS CORPORATION)	
)	
Defendants)	
_____)	

**NOTICE OF FILING MOTION FOR TRANSFER AND CONSOLIDATION OF
REMRBANDT TECHNOLOGIES, LP PATENT LITIGATION
PURSUANT TO 28 U.S.C. § 1407**

PLEASE TAKE NOTICE that, pursuant to J.P.M.L. Rule 5.2(b), on March 9th, 2007, CoxCom, Inc. filed its Motion for Transfer and Consolidation of the Rembrandt Technologies, LP Patent Litigation Pursuant to 28 U.S.C. § 1407 with the Judicial Panel on Multidistrict Litigation in Washington, D.C. CoxCom, Inc. is a named defendant in both *Rembrandt Technologies, LP v. Charter Communications, Inc., et. al.*; Civil Action No. 2:06-CV-507, and *Rembrandt Technologies, LP v. Charter Communications, Inc., et. al.*; Civil Action No. 2:06-CV-223, both pending before Judge T. John Ward in the Eastern District of Texas. Enclosed with this Notice are copies of the motion for transfer and consolidation and all documents in support thereof.

Dated: March 9th, 2006.

KILPATRICK STOCKTON
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
(404) 815-6555 (facsimile)
Mstockwell@kilpatrickstockton.com
Sgriffin@kilpatrickstockton.com

Tonya R. Deem
KILPATRICK STOCKTON
1001 West Fourth Street
Winston-Salem, NC 27101-2400
(336) 607-7300
(336) 607-7500 (facsimile)
tdeem@kilpatrickstockton.com

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
PO Box 359
Tyler, Texas 75710
Telephone: 903-597-8311
Facsimile: 903-593-0846

Respectfully Submitted



Mitchell G. Stockton
R. Scott Griffin

ATTORNEYS FOR COXCOM, INC.

CERTIFICATE OF SERVICE

The Undersigned certifies that a copy of the NOTICE OF FILING MOTION FOR TRANSFER AND CONSOLIDATION OF REMBRANDT TECHNOLOGIES, LP PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407 was filed electronically in compliance with local rule CV-5(a) and contemporaneously served by first class mail on all counsel of record in the above-captioned cases.



Mitchell G. Stockton
KILPATRICK STOCKTON
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
(404) 815-6555 (facsimile)
mstockton@kilpatrickstockton.com

ATTORNEY FOR COXCOM, INC.

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

Rembrandt Technologies, LP Patent
Litigation

MDL Docket No.

**MOTION FOR TRANSFER AND CONSOLIDATION OF REMBRANDT
TECHNOLOGIES PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407**

Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

Attorneys For COXCOM, INC.

Pursuant to 28 U.S.C. § 1407 and Rule 7.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (the “Panel”), Defendant CoxCom, Inc. (“CoxCom”)¹ moves the Panel for an Order: (1) transferring fourteen (14) related patent infringement actions filed by or against Rembrandt Technologies, LP (“Rembrandt”) (the “Actions”), as well as any actions that may subsequently be filed by or against Rembrandt, asserting similar or related claims to the District of Delaware.²

In support of this Motion, CoxCom states the following, as more fully explained in the accompanying Memorandum of Law:

1. This Motion seeks the transfer and consolidation of fourteen related actions for patent infringement filed by Rembrandt against twenty-nine defendants³ (the “Actions”), ten of which were filed within the last six months. The Actions have been filed in three judicial districts: the Eastern District of Texas; the District of Delaware; and the Southern District of New York.

¹ CoxCom is a defendant in the recently filed cases of *Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, No. 2:06-CV-223-TJW (E.D. Tex.) (Marshall Division) and *Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, No. 2:06-CV-507-TJW (E.D. Tex.) (Marshall Division). CoxCom is also a plaintiff in the recently filed declaratory judgment action of *CoxCom, Inc. v. Rembrandt Technologies, L.P.*, No. 06-721-GMS (D. Del.).

² As explained more fully in the accompanying Memorandum of Law, CoxCom moves for consolidation of all 14 related patent infringement actions, but suggests that, because of the illogical way in which the claims were grouped in the 14 cases, the most convenient, just and efficient administration of these actions would be achieved if the transferee court severed from the consolidated action those claims asserting the ‘627 patent for separate treatment and conduct. Claims relating to the ‘627 patent implicate completely different technology and activity (receipt and transmission of broadcast television signals through ATSC-compliant equipment) than the rest of the claims (which implicate high speed internet services through DOCSIS-compliant equipment).

³ The Actions were initially filed against twenty-nine defendants, but claims asserted against Cox Communications, Inc. and Cox Enterprises, Inc. were voluntarily dismissed. See *Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, No. 2:06-CV-223-TJW (E.D. Tex.).

2. Pursuant to Rule 7.2(a)(ii) of the Rules of the Panel, a schedule of the Actions is attached hereto as Exhibit A.

3. Plaintiff Rembrandt is a limited partnership organized under the laws of the State of New Jersey with its principal place of business in Bala Cynwyd, Pennsylvania. Rembrandt is a company that invests in patents, but does not practice them. Instead, it acquires rights to patents and sues entities it believes infringe upon those patents.

4. Rembrandt has initiated two waves of patent litigation relating to: (a) the receipt and transmission over the cable television systems of digital terrestrial broadcast signals that comply with the ATSC⁴ Digital Television Standard; and (b) the provision of high speed internet services through the use of DOCSIS⁵-compliant equipment.

5. Rembrandt filed the Actions in two waves, apparently as it became the assignee of the various patents in suit. The first wave of litigation (the “Rembrandt I” litigation) includes nine cases against fifteen current defendants spanning three industries (cable, television broadcast, and manufacturing) and asserts infringement of up to five patents. One of the five patents asserted in the Rembrandt I litigation, U.S. Patent No. 5,243,627 (the “‘627 patent”), is asserted against each of the Rembrandt I defendants. The ‘627 patent relates to the receipt and transmission of ATSC-compliant television broadcast signals. The remaining four patents asserted in the Rembrandt I litigation do not relate to the transmission of television signals. Instead, the remaining four patents relate to the provision of high speed internet service through the use of DOCSIS-compliant cable modems and related equipment. The second wave of litigation (the “Rembrandt II” litigation) includes

⁴ “Advanced Television System Committee”

⁵ “Data-Over-Cable Service Interface Specifications”

three cases filed by Rembrandt in the Eastern District of Texas against seven cable service providers (all of whom are also defendants in the Rembrandt I litigation), a declaratory judgment action filed by CoxCom in the District of Delaware, and an action filed in the Southern District of New York. The Rembrandt II litigation asserts infringement of five patents relating to the provision of high speed internet service and accuses the same DOCSIS-compliant equipment that is accused in the Rembrandt I litigation.

6. But for the claim of infringement of the '627 patent, all of the claims in the Rembrandt I and Rembrandt II actions relate to the provision of high speed internet and related services through the use of DOCSIS-compliant cable modems and related equipment.

7. For the Panel's convenience, a table identifying the asserted patents, the actions in which they have been asserted and the industry standards that are accused is attached to the Motion as Exhibit B.

8. There have been no substantive orders issued in any of the Actions and no claim construction hearings have been held.

9. In each of the Actions, defendants already have asserted, or may be expected to assert, overlapping defenses that some or all of the various asserted patent claims are not valid and/or not enforceable (i.e., void for inequitable conduct and/or prosecution laches) under the patent laws.

10. In each of the Actions, Rembrandt alleges that the defendants infringe its patents by virtue of their compliance with industry standards, either the ATSC standard with respect to the '627 patent or the DOCSIS standard with respect to the other patents in suit. Therefore, the Actions involve identical infringement allegations regarding the patents and the defendants may be expected to assert overlapping non-infringement defenses.

11. Transfer and consolidation of these Actions is necessary to: (a) eliminate the potential for inconsistent rulings on critical pretrial motions, including but not limited to, claim construction rulings; (b) eliminate the burden of duplicative discovery on common issues; (c) prevent inconsistent pretrial rulings; (d) avoid the unnecessary use of judicial resources; and (e) reduce the overall costs and burdens for all of the parties. Moreover, because the Actions assert infringement based on compliance with industry standards, the effect of having inconsistent rulings regarding industry standards would be significant and deleterious.

12. Due to the many overlapping patents, the Actions in this litigation involve common questions of fact. Each of the Actions involves allegations of infringement, invalidity and enforceability issues common to the overlapping patents. All the Actions can be expected to share factual and legal questions concerning such matters as the technology underlying the patents, the scope and content of the prior art, claim construction, the prosecution histories of the asserted patents and any inequitable conduct and/or unreasonable delays (prosecution laches) committed during their prosecution, and/or issues of infringement involving the patents.

13. The claims relating to the provision of high speed internet service and related services accuse the same DOCSIS-compliant equipment—cable modems and related equipment used by the cable service provider defendants in providing high speed internet service. However, because some of these claims are asserted in the Rembrandt I actions while others are asserted in the Rembrandt II actions and because seven of the cable service provider defendants have been sued in both the Rembrandt I and Rembrandt II actions, it is expected that the cable service provider defendants and the third parties who supply and

manufacture the accused equipment will be subjected to burdensome and inefficient discovery as they are forced to respond to overlapping and duplicative discovery requested in the separate actions.

14. Further, the question of damages will present many other common issues of fact among the Actions. Because Rembrandt is not a competitor of the defendants, Rembrandt can be expected to seek damages in the form of a reasonable royalty, which involves consideration of multiple factors as set forth in the seminal case of *Georgia-Pacific Corp. v. United States Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970), *modified and aff'd*, 446 F.2d 295 (2d Cir. 1971). Because many of these factors relate to the specific patent or patent owner involved in the case, each patent for which Rembrandt seeks damages will present numerous common factual issues. Moreover, because the claims relating to the provision of high speed internet services straddle both Rembrandt I and Rembrandt II actions, because the claims accuse the same equipment, and because seven of the cable service provider defendants have been sued in both the Rembrandt I and Rembrandt II actions, there is a risk that Rembrandt may receive inflated damages.

15. Of the fourteen actions currently at issue, at least six are pending before Judge Gregory Sleet in the District of Delaware. These six actions assert five of the nine patents at issue in the Actions and implicate both of the accused industry standards. As such, Judge Sleet has the opportunity to gain familiarity with the patents, technology and industry standards at issue.

16. Judge Sleet has presided over a number of complex patent litigation cases in the past and has demonstrated an understanding and ability to effectively administer this type

of complex litigation. Moreover, Judge Sleet has already indicated an interest in at least coordinating the six actions pending in Delaware.

17. Consolidation and transfer before Judge Sleet in the District of Delaware is appropriate.

WHEREFORE CoxCom requests that this Panel enter an order transferring the Actions, as well as any actions that may subsequently be filed by or against Rembrandt asserting similar or related claims to the District of Delaware and consolidating those actions for coordinated pretrial proceedings.

This the 9th day of March 2007.

Respectfully Submitted:



Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

Attorneys for COXCOM, INC.

Exhibit A
SCHEDULE OF ACTIONS

NO.	NAME OF ACTION	DISTRICT COURT/ DIVISION	DATE ACTION FILED	CIVIL ACTION NUMBER	JUDGE ASSIGNED
1.	Rembrandt Technologies, LP v. Sharp Corporation and Sharp Electronics Corporation	U.S.D.C., Eastern District of Texas/Marshall Division	02/03/06	2:06-cv-047	T. John Ward
2.	Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP	U.S.D.C., Eastern District of Texas/Marshall Division	09/16/05	2:05-cv-443	T. John Ward
3.	Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP	U.S.D.C., Eastern District of Texas/Marshall Division	11/30/06	2:06-cv-506	T. John Ward
4.	Rembrandt Technologies, LP v. Time Warner Cable, Inc.	U.S.D.C., Eastern District of Texas/Marshall Division	06/01/06	2:06-cv-224	T. John Ward
5.	Rembrandt Technologies, LP v. Time Warner Cable, Inc.	U.S.D.C., Eastern District of Texas/Marshall Division	09/13/06	2:06-cv-369	T. John Ward
6.	Rembrandt Technologies, LP v. Charter Communications, Inc.; Charter Communications Operating, LLC; Cox Communications, Inc., Cox Enterprises, Inc.; CoxCom, Inc.; CSC Holdings, Inc., and Cablevision Systems Corporation	U.S.D.C., Eastern District of Texas/Marshall Division	06/01/06	2:06-cv-223	T. John Ward
7.	Rembrandt Technologies, LP v. Charter Communications, Inc.; Charter Communications Operating, LLC, and CoxCom, Inc.	U.S.D.C., Eastern District of Texas/Marshall Division	11/30/06	2:06-cv-507	T. John Ward

NO.	NAME OF ACTION	DISTRICT COURT/ DIVISION	DATE ACTION FILED	CIVIL ACTION NUMBER	JUDGE ASSIGNED
8.	Rembrandt Technologies, LP v. Cablevision Systems Corporation and CSC Holdings, Inc.	U.S.D.C., District of Delaware	10/13/06	1:06-cv-635	Gregory M. Sleet
9.	CoxCom, Inc. v. Rembrandt Technologies, LP	U.S.D.C., District of Delaware	11/30/06	1:06-cv-721	Gregory M. Sleet
10	Rembrandt Technologies, LP v. CBS Corporation	U.S.D.C., District of Delaware	12/01/06	1:06-cv-727	Gregory M. Sleet
11	Rembrandt Technologies, LP v. NBC Universal, Inc.	U.S.D.C., District of Delaware	12/01/06	1:06-cv-729	Gregory M. Sleet
12	Rembrandt Technologies, LP v. ABC, Inc.	U.S.D.C., District of Delaware	12/01/06	1:06-cv-730	Gregory M. Sleet
13	Rembrandt Technologies, LP v. Fox Entertainment Group, Inc. and Fox Broadcasting Company	U.S.D.C., District of Delaware	12/01/06	1:06-cv-731	Gregory M. Sleet
14	In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century- TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP	U.S. Bankr. Court and U.S.D.C., Southern District of New York	01/11/07	Bankr: 02-41729 U.S.D.C.: 1:07-cv-214	Bankr: Robert E. Gerber U.S.D.C.: William H. Pauley III

EXHIBIT B
Rembrandt Litigation

Patent	Rembrandt v. Sharp (2:06-cv-047- TJW)	Rembrandt v. Comcast (2:05-cv-443- TJW)	Rembrandt v. Comcast (2:06-cv-506- TJW)	Rembrandt v. Time Warner (2:06-cv-224- TJW)	Rembrandt v. Time Warner (2:06-cv-369- TJW)	Rembrandt v. Charter, et al. (2:06-cv-223- TJW)	Rembrandt v. Charter, et al. (2:06-cv-507- TJW)	Rembrandt v. Cablevision (1:06-cv-635- GMS)	CoxCom v. Rembrandt (1:06-cv-721- GMS)	Rembrandt v. CBS (1:06-cv-727- GMS)	Rembrandt v. NBC (1:06-cv-729- GMS)	Rembrandt v. ABC (1:06-cv-730- GMS)	Rembrandt v. Fox (1:06-cv-731- GMS)	Rembrandt v. Adelphia et al. (1:07-cv-214- WHP)
'627 (5,243,627)	XXX	XXX		XXX		XXX		XXX		XXX	XXX	XXX	XXX	
'631 (5,852,631)		XXX		XXX		XXX		XXX						
'858 (5,719,858)		XXX		XXX		XXX		XXX						
'819 (4,937,819)		XXX		XXX		XXX		XXX						
'761 (5,710,761)			XXX		XXX		XXX							XXX
'234 (5,778,234)			XXX		XXX		XXX							XXX
'159 (6,131,159)			XXX		XXX		XXX							XXX
'444 (6,950,444)			XXX		XXX		XXX							XXX
'903 (5,008,903)			XXX		XXX		XXX	XXX	XXX					

Legend:

Blue cases are pending in the E.D. Tex.

Gold cases are pending in the D. Del.

Purple case is pending in the S.D.N.Y.

Green patents implicate the ATSC industry standard.

Red patents implicate the DOCSIS industry standard.

Shaded columns indicate the Rembrandt I cases.

Clear columns indicate the Rembrandt II cases.

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:)	
)	
Rembrandt Technologies, LP Patent)	MDL Docket No.
Litigation)	
)	

**MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO TRANSFER AND CONSOLIDATION OF
REMBRANDT TECHNOLOGIES, LP PATENT LITIGATION
PURSUANT TO 28 U.S.C. § 1407**

Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

Attorneys For COXCOM, INC.

TABLE OF CONTENTS

I.	BACKGROUND OF THE LITIGATION.....	1
III.	ARGUMENT	9
A.	The Actions Present Many Common Questions of Fact	9
A.	Number of Related Cases And Parties Pending in Delaware	16
B.	Judge Sleet is Familiar with Patents	17
C.	Delaware Docket is Less Congested	18
D.	Delaware is Home Jurisdiction.....	19
E.	Policy Considerations Favor Transfer to Delaware.....	19
IV.	CONCLUSION	20

TABLE OF ABBREVIATIONS

Full Name	Abbreviation
CoxCom, Inc.	CoxCom
Rembrandt Technologies, LP	Rembrandt
Sharp Corporation and Sharp Electronics Corporation	Sharp
Time Warner Cable, Inc.	Time Warner
Charter Communications, Inc. and Charter Communications Operating, LLC,	Charter
Cablevision Systems Corporation and CSC Holdings, Inc.	Cablevision
Adelphia Communications Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century- TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP	Adelphia
Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano LP	Comcast
CBS Corporation	CBS
NBC Universal, Inc.	NBC
ABC, Inc.	ABC
Fox Entertainment Group, Inc. and Fox Broadcasting Company	Fox
Rembrandt I Patents:	Rembrandt I Patents:
U.S. Patent No. 5,243,627	‘627 Patent
U.S. Patent No. 5,852,631	‘631 Patent
U.S. Patent No. 5,719,858	‘858 Patent
U.S. Patent No. 4,937,819	‘819 Patent
Litigation initiated by Rembrandt in 2005 and 2006 involving the ‘627, ‘631, ‘858, and ‘819 patents.	Rembrandt I litigation
Rembrandt II Patents:	Rembrandt II Patents:
U.S. Patent No. 5,008,903	‘903 Patent
U.S. Patent No. 5,710,761	‘761 Patent
U.S. Patent No. 5,778,234	‘234 Patent

U.S. Patent No. 6,131,159	‘159 Patent
U.S. Patent No. 6,950,444	‘444 Patent
Litigation initiated by Rembrandt in 2006 involving the ‘903, ‘761, ‘234, ‘159, and ‘444 patents.	Rembrandt II litigation
Data-Over-Cable Service Interface Specifications	DOCSIS
Advanced Television System Committee	ATSC
United States District Court for the Eastern District of Texas	E.D. Tex.
United States District Court for the District of Delaware	D. Del.
United States District Court for the Southern District of New York	S.D.N.Y.

BRIEF IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION FOR COORDINATED PRETRIAL PROCEEDINGS

Pursuant to 28 U.S.C. §1407 and Rule 7.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant CoxCom¹ submits this Memorandum of Law in Support of its Motion for Transfer and Consolidation of the Rembrandt Technologies, LP Patent Litigation pursuant to 28 U.S.C. §1407. CoxCom moves the Panel for an Order transferring and consolidating fourteen (14) related patent infringement actions filed by or against Rembrandt, as well as any actions that may subsequently be filed by or against Rembrandt, asserting similar or related claims to the District of Delaware.²

I. BACKGROUND OF THE LITIGATION

This Motion seeks transfer and consolidation of fourteen related actions for alleged patent infringement filed by or against Rembrandt in three District Courts, ten of which were filed within the last six months (collectively, the “Actions”). Nine of the Actions allege infringement of numerous overlapping patents relating to the provision of high speed internet services through the use of DOCSIS-compliant equipment. *See, e.g.*, Ex. 13 ¶¶ 19-36³; Ex.

¹ CoxCom is a defendant in the recently filed cases of *Rembrandt v. Charter, et al.*, No. 2:06-CV-223-TJW (E.D. Tex.) and *Rembrandt v. Charter, et al.*, No. 2:06-CV-507-TJW (E.D. Tex.). CoxCom is also a plaintiff in the recently filed declaratory judgment action of *CoxCom v. Rembrandt*, No. 06-721-GMS (D. Del.).

² CoxCom moves the Panel for consolidation of all 14 related patent infringement actions, but suggests that, because of the illogical way in which the claims were grouped in the 14 cases, the most convenient, just and efficient administration of these actions would be achieved if the transferee court severed from the consolidated action the claims of the ‘627 patent for separate treatment and conduct. Rembrandt asserts the claims of the ‘627 patent against completely different technology and activity (receipt and transmission of broadcast television signals through ATSC-compliant equipment) than the rest of the patent claims (which are asserted against high speed internet services through DOCSIS-compliant equipment).

³ Except as otherwise indicated, references to Exhibits 1-42 refer to the Exhibits in Support of Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation filed concurrently herewith. References to Exhibits A-B refer to the exhibits attached to the Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation.

15 ¶¶ 8-32. Of these nine actions, four also allege infringement of a separate and distinct patent, the '627 patent, relating to the receipt and transmission over the cable television systems of digital terrestrial broadcast signals that comply with the ATSC Digital Television Standard. *See, e.g.*, Ex.13 ¶¶ 13-18. The five remaining actions allege infringement solely of the '627 patent. *See, e.g.*, Ex. 22 ¶¶ 6-12. Pursuant to Rule 7.2(a)(ii) of the Rules of the Panel, a schedule of the fourteen Actions is attached as Exhibit A to the Motion.

Due to the large number of overlapping patents asserted in the Actions and the fact that Rembrandt contends that industry standards infringe the patents in suit, the Actions present numerous common issues of fact and law regarding such matters as the technology underlying the patents, the prior art, the construction of the patent claims, the validity, enforceability and the alleged infringement of the patents, and the extent to which the doctrine of prosecution history estoppel precludes any finding of infringement under the doctrine of equivalents. Accordingly, if the Actions are not transferred and consolidated, needless expense and waste of judicial resources will be incurred as fourteen actions go forward on separate tracks. Moreover, without transfer and consolidation, there is a serious risk of inconsistent pre-trial rulings (especially on the critical issues of claim construction and prosecution history estoppel) and, thus, the distinct possibility of inconsistent judgments on the merits. Because the Actions assert infringement based on compliance with industry standards, the effect of having inconsistent rulings regarding industry standards would be significant and deleterious.

By contrast, consolidation in a single district, will conserve judicial resources, reduce costs, prevent duplicative discovery and protect against inconsistent pre-trial rulings and

contradictory results. Presumably for these reasons, even Rembrandt believes that transfer and consolidation under 28 U.S.C. § 1407 is desirable. Ex. 43 at Ex. C at 13:16-14:10.

II. FACTUAL BACKGROUND

A. Rembrandt

Rembrandt is a New Jersey limited partnership with its principal place of business in Bala Cynwyd, Pennsylvania. Ex. 20 ¶ 2. Rembrandt is a non-practicing entity (“NPE”)—a firm that invests in patents for the purpose of litigating patent infringement and obtaining royalties and licenses, but does not practice the patents. *Id.* ¶¶ 7, 9. According to its website, Rembrandt “shoulders the legal, financial, and business risks associated with pursuing patent pirates and provides the capital and expertise required to litigate complex patent infringements.” *Id.* ¶ 8. To pursue such patent infringement litigation, Rembrandt maintains a “staff of in-house professionals and outside consultants” that “includes scientists, inventors, financial analysts, lawyers, and researchers who are expert at identifying the validity and market value of patents and Intellectual Property (IP), and securing revenue for these inventors and companies as well as Rembrandt’s investors.” *Id.* In fact, Rembrandt distinguishes itself from other NPEs by emphasizing its willingness and “ability to pursue patent infringement.” *Id.* Rembrandt claims to have raised \$150 million “to acquire patents and litigate patent infringement.” *Id.*

Rembrandt filed the Actions in two waves, apparently as it became the assignee of the various patents in suit. As a result, the Actions were not broken out in a logical fashion. Instead, four of the actions assert two separate and unrelated sets of patents and accuse two separate and unrelated industry standards. Despite this timing issue, the two waves of litigation (“Rembrandt I” and “Rembrandt II”) overlap significantly with regard to the

alleged infringers and the accused activities as they relate to those patents implicating the DOCSIS industry standard. Those cases asserting the '627 patent (implicating the ATSC industry standard) also overlap with respect to the accused activities.

B. The Present Actions

NAME OF ACTION	DISTRICT COURT	CIVIL ACTION NUMBER
<i>Rembrandt I Litigation</i>		
<i>Rembrandt Technologies, LP v. Sharp Corp., et al.</i>	E.D. Tex.	2:06-cv-047
<i>Rembrandt Technologies, LP v. Comcast Corp., et al.</i>	E.D. Tex.	2:05-cv-443
<i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i>	E.D. Tex.	2:06-cv-224
<i>Rembrandt Technologies, LP v. Charter Commc'n, et al.</i>	E.D. Tex.	2:06-cv-223
<i>Rembrandt Technologies, LP v. Cablevision Sys., et al.</i>	D. Del.	1:06-cv-635
<i>Rembrandt Technologies, LP v. CBS Corp.</i>	D. Del.	1:06-cv-727
<i>Rembrandt Technologies, LP v. NBC Universal, Inc.</i>	D. Del.	1:06-cv-729
<i>Rembrandt Technologies, LP v. ABC, Inc.</i>	D. Del.	1:06-cv-730
<i>Rembrandt Technologies, LP v. Fox Entm't Group, Inc., et al.</i>	D. Del.	1:06-cv-731
<i>Rembrandt II Litigation</i>		
<i>Rembrandt Technologies, LP v. Comcast Corp., et al.</i>	E.D. Tex.	2:06-cv-506
<i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i>	E.D. Tex.	2:06-cv-369
<i>Rembrandt Technologies, LP v. Charter Commc'n, et al.</i>	E.D. Tex.	2:06-cv-507
<i>CoxCom, Inc. v. Rembrandt Technologies, LP</i>	D. Del.	1:06-cv-721
<i>Rembrandt Technologies, LP v. Adelphia Commc'n Corp., et al.</i>	S.D.N.Y.	1:07-cv-214

The Rembrandt I litigation includes nine cases against fifteen current defendants spanning three industries (cable, television broadcast, and manufacturing) and asserts infringement of up to five patents. One of the five patents asserted in the Rembrandt I litigation, the '627 patent, is asserted against each of the fifteen current Rembrandt I defendants. Rembrandt contends that the '627 patent covers the receipt and transmission of ATSC-compliant television broadcast signals. *See, e.g.*, Ex. 13 ¶¶ 13-18. The remaining four patents asserted in the Rembrandt I litigation do not relate to the transmission of

television signals. Instead, Rembrandt asserts the remaining four patents against the provision of high speed internet service through the use of DOCSIS-compliant cable modems and related equipment. Ex. 13 ¶¶ 19-36; *see also* Ex 19 at 1-3.

The Rembrandt II litigation includes three cases filed by Rembrandt in the E.D. Tex. against seven cable service providers (all of whom are also defendants in the Rembrandt I litigation), a declaratory judgment action filed by CoxCom in the D. Del., and an action filed in the S.D.N.Y against Adelphia.⁴ In the Rembrandt II litigation, Rembrandt alleges infringement of five patents based on the Defendants' provision of high speed internet service and accuses the same DOCSIS-compliant equipment that is accused in the Rembrandt I litigation.⁵ *See, e.g.*, Ex. 15 ¶¶ 8-32; *see also* Ex. 32 ¶¶ 20-28.

But for the claim of infringement based on the '627 patent, all of the infringement claims in the Rembrandt I and Rembrandt II actions relate to the provision of high speed internet and related services using DOCSIS-compliant cable modems and related equipment. Because of the illogical way in which these actions were filed, it is necessary to consolidate not only all of those cases asserting patents implicating the DOCSIS industry standard, but also those cases asserting the '627 patent implicating the ATSC industry standard.

1. The Rembrandt I Litigation.

a. Rembrandt v. Sharp, No. 2:06-cv-047 (E.D. Tex.).

Rembrandt filed the *Sharp* action on February 3, 2006, in the E.D. Tex., asserting the '627 patent. *See* Ex. 1 ¶¶ 6-10. As of March 6, 2007, the defendants have answered and

⁴ The lawsuit against Adelphia was initiated as an adversary proceeding filed in Adelphia's bankruptcy matter. *See* Ex. 33.

⁵ For the Panel's convenience, a table identifying the asserted patents, the actions in which they have been asserted and the industry standards which are accused is attached to the Motion as Exhibit B.

filed counterclaims, which also have been answered. No discovery has been taken and no substantive orders have been issued. *See* Ex. 2. In fact, the court just presided over the initial case management conference on February 20, 2007. *Id.*

b. Rembrandt v. Comcast, et al., No. 2:05-cv-443 (E.D. Tex.).

Rembrandt filed the first *Comcast* complaint on September 16, 2005 in the E.D. Tex., asserting the ‘627 patent against the ATSC standard and three other patents (‘631, ‘819, and ‘858) against DOCSIS. *See* Ex. 3 ¶¶ 13-30. There have been no substantive orders issued. *See* Ex. 4. A claim construction hearing was to be held on February 8, 2007. However, after granting a motion to disqualify Rembrandt’s counsel, the court canceled the hearing, suspended all deadlines and ordered the parties to submit a proposed schedule after plaintiff retained new counsel and such counsel appeared in the case. Ex. 5; Ex. 6. No new schedule has yet been proposed to or issued by the court. Ex. 4.

c. Rembrandt v. Time Warner, No. 2:06-cv-224 (E.D. Tex.) and Rembrandt v. Charter, et al., No. 2:06-cv-223 (E.D. Tex.).

On June 1, 2006, Rembrandt filed actions in the E.D. Tex. against Time Warner, Charter, CoxCom and their respective related entities, asserting the same patents (‘627, ‘631, ‘819, ‘858) Rembrandt asserted in the *Comcast* case. *See* Ex. 9 ¶¶ 6-29; Ex. 13 ¶¶ 13-36. As of March 6, 2007, the defendants have answered and filed counterclaims, which have been answered. *See* Ex. 10; Ex. 14. CoxCom moved to dismiss for lack of personal jurisdiction. *Id.* No discovery has been taken and no substantive orders have been issued. *Id.*; Ex. 10.

d. Rembrandt v. Cablevision, No. 1:06-cv-635 (D. Del.).

On October 13, 2006, Rembrandt filed an action against Cablevision in the D. Del., asserting the same four patents (‘627, ‘631, ‘819, ‘858) Rembrandt asserted in the prior E.D.

Tex. cases, and an additional patent (the '903 patent) against DOCSIS. *See* Ex. 17 ¶¶ 8-37.

As of March 6, 2007, the defendants have answered and filed counterclaims, which also have been answered. *See* Ex. 18. Within the last month, defendants have served written discovery requests and their mandatory disclosures required by Rule 26(a) of the Federal Rules of Civil Procedure. *Id.* No substantive orders have issued. *Id.*

e. Rembrandt v. CBS, No. 1:06-cv-727 (D. Del.); Rembrandt v. NBC, No. 1:06-cv-729 (D. Del.); Rembrandt v. ABC, No. 1:06-cv-730 (D. Del.), and Rembrandt v. Fox, No. 1:06-cv-731 (D. Del.).

On December 1, 2006, Rembrandt filed in the D. Del. four separate actions against CBS, NBC, ABC and Fox broadcasting companies asserting the '627 patent. *See* Ex. 22 ¶¶ 6-12; Ex. 24 ¶¶ 6-12; Ex. 26 ¶¶ 6-12; Ex. 28 ¶¶ 7-13. As of March 6, 2007, the defendants have answered and filed counterclaims, which also have been answered. *See* Ex. 23; Ex. 25; Ex. 27; Ex. 29. No discovery has been taken and no substantive orders have been issued. *Id.*

2. The Rembrandt II Litigation.

a. Rembrandt v. Time Warner, No. 2:06-cv-369 (E.D. Tex.).

On September 13, 2006, Rembrandt initiated a new wave of litigation against the cable service providers with an action against Time Warner filed in the E.D. Tex., asserting five additional patents against DOCSIS. *See* Ex. 11 ¶¶ 11-35. Specifically, Rembrandt's complaint asserts infringement of the '761, '234, '159, '444 and '903 patents. *Id.* Time Warner has answered and filed counterclaims, which have been answered. *See* Ex. 12. On February 23, 2007, Rembrandt moved for leave to amend its complaint. *Id.* No discovery has been taken and no substantive orders have been issued. *Id.*

b. *Rembrandt v. Comcast, No. 2:06-cv-506 (E.D. Tex.) and Rembrandt v. Charter, et al., No. 2:06-cv-507 (E.D. Tex.).*

On November 30, 2006, Rembrandt filed two more actions against cable companies Comcast, Charter, CoxCom, and their respective related entities, asserting infringement of the same five additional patents ('761, '234, '159, '444 and '903) against DOCSIS. *See* Ex. 7 ¶¶ 6-30; Ex. 15 ¶¶ 8-32. As of March 6, 2007, the defendants have answered and filed counterclaims, which have been answered. *See* Ex. 8; Ex. 16. CoxCom has moved for dismissal or, in the alternative, to transfer to the D. Del. *Id.* No discovery has been taken and no substantive orders have been issued. *Id.*; Ex. 16.

c. *CoxCom v. Rembrandt, No. 1:06-cv-721 (D. Del.).*

CoxCom filed a declaratory judgment action in the D. Del. on November 30, 2006, seeking declarations as to the noninfringement and invalidity as to the '903 patent. *See* Ex. 20 ¶¶ 18-22. The declaratory judgment action was filed four hours before Rembrandt filed suit against CoxCom in the E.D. Tex. Rembrandt has moved to dismiss the action. *See* Ex. 21. No discovery has been taken and no substantive orders have been issued. *Id.*

d. *Rembrandt v. Adelphia, No. 1:07-cv-214 (S.D.N.Y.).*

On September 13, 2006, Rembrandt filed an adversary proceeding in the Adelphia bankruptcy action pending in the S.D.N.Y., asserting four of the DOCSIS patents asserted against the other cable companies (the '761, '234, '159, and '444 patents). *See* Ex. 33 ¶¶ 18-37. On January 10, 2007, Rembrandt moved to withdraw the reference to the bankruptcy court so that the litigation would proceed in the district court. *See* Ex. 30. Adelphia has filed an opposition to the motion. *See Id.* The motion has not yet been resolved. *Id.*

III. ARGUMENT

Under 28 U.S.C. § 1407(a), civil actions “involving one or more common questions of fact,” pending in different federal districts may be transferred to a single district for coordinated or consolidated pretrial proceedings. Transfers are appropriate if the Panel determines that “transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.” *Id.* The Actions involved in this litigation easily satisfy each of these requirements.

A. **The Actions Present Many Common Questions of Fact.**

The Panel has recognized that actions involving overlapping patents are particularly well-suited for consolidation under 28 U.S.C. §1407 because they, by their very nature, present many common questions of fact. For example, in *In re Acacia Media Techs. Corp. Patent Litg.*, the Panel recognized that when overlapping patents are asserted in multiple actions, “[a]ll actions . . . can be expected to share factual and legal questions concerning such matters as the technology underlying the patents, prior art, claim construction and/or issues of infringement involving the patents.” 360 F. Supp. 2d 1377, 1379 (J.P.M.L. 2005); *accord In re PharmaStem Therapeutics, Inc., Patent Litig.*, 360 F. Supp. 2d 1362, 1364 (J.P.M.L. 2005) (consolidating five actions asserting overlapping patents with a related unfair competition action); *In re MLR, LLC, Patent Litig.*, 269 F. Supp. 2d 1380 (ordering consolidation of three actions dealing with cellular phone and/or modem products, on the basis that overlapping complex patents, “can thus be expected to share factual and legal questions concerning such matters as patent validity, prior art, obviousness and interpretation of various claims of the patents.”).

Here, Rembrandt has asserted many overlapping patents in each of the Actions.

Specifically, as shown in Exhibit B attached to the Motion:

- Four (4) patents ('761, '234, '159 and '444) have been asserted in four actions;
- Three (3) patents ('631, '858, and '819) have been asserted in four actions;
- One (1) patent ('903) has been asserted in five actions; and
- One (1) patent ('627) has been asserted in nine actions.

Due to the large number of overlapping patents asserted by Rembrandt in the Actions, this litigation involves many common questions of fact. Each of the Actions involve allegations of infringement, invalidity and enforceability issues common to the overlapping patents. The Actions, therefore, can be expected to share factual and legal questions concerning such matters as the technology underlying the patents, the scope and content of the prior art, claim construction, the prosecution histories of the asserted patents and any inequitable conduct and/or unreasonable delays (prosecution laches) committed during their prosecution, and/or issues of infringement involving the patents.

The Panel has routinely recognized that the issue of infringement are likely to raise common questions of fact in multidistrict patent litigation actions. *See In re Acacia Media Techs. Corp. Patent Litg.*, 360 F. Supp. 2d 1377, 1379 (J.P.M.L. 2005) (where overlapping patents are asserted in multiple actions it can be expected that they share factual and legal questions concerning issues such as infringement involving the patents); *In re Mirtazapine Patent Litig.*, 199 F. Supp. 2d 1380, 1381 (J.P.M.L. 2002) (ordering consolidation of six actions involving common infringement and invalidity contentions). Furthermore, when actions involve the same underlying technology, as these do here, claims of infringement as to each defendant will necessarily involve common questions of fact.

All of the Actions involve the same underlying technologies and industry standards—the provision of high speed internet services by virtue of DOCSIS-compliant modems and related equipment; or, in the case of the ‘627 patent, the receipt and transmission of ATSC-compliant television broadcast signals. Because the accused systems in each of the Actions is DOCSIS-compliant or ATSC-compliant, claims of infringement as to each defendant will necessarily involve common questions of fact, therefore making them appropriate for consolidation. *See* Ex. 43 at Ex. C at 5:22-7:20 (arguing that the DOCSIS standard infringes and, thus, any services that comply with the standard also infringe); *see also In re FMC Corp. Patent Litig.*, 422 F.Supp. 1163, 1165 (J.P.M.L. 1976) (finding that because all the defendants used the same product, common factual questions concerning the infringement issues were also present). In fact, Rembrandt recently acknowledged that the alleged infringing activity of any specific defendant is not unique. Instead, it is the defendants’ compliance with the industry standards that is accused. *See* Ex. 43 at Ex. C at 5:22-7:9.

Further, the question of damages will present many other common issues of fact among the Actions. Because Rembrandt is not a competitor of the defendants, Rembrandt is expected to seek damages in the form of a reasonable royalties *see, e.g.*, Ex. 42, which involves consideration of multiple factors as set forth in the seminal case of *Georgia-Pacific Corp. v. United States Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970), *modified and aff’d*, 446 F.2d 295 (2d Cir. 1971). Because many of these factors relate to the specific patent or patent owner involved in the case, each patent for which Rembrandt seeks damages will present numerous common factual issues. Also, Rembrandt has offered to license the ‘627 patent under reasonable terms and conditions on a non-discriminatory, non-exclusive basis. *See* Ex. 42. Thus, the terms and conditions of any such licenses will be common to all

of the defendants against whom the '627 patent has been asserted. Moreover, because the claims relating to the provision of high speed internet services straddle both Rembrandt I and Rembrandt II actions, because the claims accuse the same equipment, and because seven of the cable service provider defendants have been sued in both the Rembrandt I and Rembrandt II actions, there is a risk that Rembrandt may receive overlapping damages for the same activity at issue in the Rembrandt I and Rembrandt II actions

The Actions all involve common questions of fact; thus, transfer and consolidation would serve the convenience of the parties and witness and would promote the just and efficient conduct of the Actions. Because of these common questions, centralization would eliminate duplicative discovery, prevent inconsistent or repetitive pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.

B. Transfer and Consolidation Would Serve the Convenience of the Parties.

There can be no question that consolidation and transfer to a single district would serve the convenience of the parties. The claims relating to the provision of high speed internet and related services accuse the same DOCSIS-compliant equipment—cable modems and related equipment used by the defendants to provide high speed internet service. However, because some of these claims are asserted in the Rembrandt I actions while other, related claims are asserted in the Rembrandt II actions and because many of the cable service provider defendants have been sued in both the Rembrandt I and Rembrandt II actions, it is expected that the cable service provider defendants and the third parties who supply and manufacture the accused equipment will be subjected to burdensome and inefficient discovery as they are forced to respond to overlapping and duplicative discovery requested in the separate actions. For example, in *Rembrandt v. Comcast*, No. 2:05-CV-443 (E.D. Tex.),

Rembrandt has already served subpoenas on over forty (40) third party vendors seeking identical discovery information regarding the accused DOCSIS-compliant devices supplied to the defendants. *See* Ex. 41. Because the defendants in both Rembrandt I and Rembrandt II rely on the same group of vendors and manufacturers to supply them with the accused equipment, it is expected that Rembrandt will pursue the same information from each of the third party vendors in each Action, resulting in unnecessary, duplicative discovery.

Unnecessary, duplicative discovery is exactly what 28 U.S.C. § 1407 was designed to avoid. *In re Multidistrict Litig. Involving Frost Patent*, 316 F. Supp. 977, 979 (J.P.M.L. 1970) (“Section 1407 was intended to provide a procedure which would insure that repetitious and duplicative discovery is avoided by providing that all related actions be assigned to a single judge). Coordination of discovery in this case, however, would eliminate this possibility. It would reduce the burden of both the defendants and plaintiff in pursuing discovery on the many common issues. It will also benefit the third party vendors and manufacturers, who may possess information relevant to each action, by avoiding the possibility of having to engage in identical discovery efforts for each of the fourteen Actions. Thus, it is clear that consolidation and transfer to a single district would serve the convenience of the parties by avoiding costly and unnecessarily duplicative discovery.

C. Transfer and Consolidation Would Promote Just and Efficient Conduct of the Actions.

As Rembrandt recently agreed during a hearing held in the Adelphia matter, transfer and consolidation would also promote just and efficient conduct of the Actions. *See* Ex. 43 at Ex. C at 13:16-13:23. Without consolidation, the Actions would likely proceed in a manner that is contrary to the meaning of judicial economy. If allowed to proceed

separately, these Actions will follow a costly and inefficient path, resulting in wasteful, duplicative discovery and create the potential for inconsistent pretrial rulings. By ordering consolidation, however, the Panel will ensure that the resources of the party and judiciary are used in their most judicious manner, avoiding the potential for conflicting rulings and inconsistent claim constructions.

Under *Markman v. Westview Instruments, Inc.*, it is the obligation of each district court to construe the claims of a patent as a matter of law. 517 U.S. 370, 388-91 (1996). While the prior claim constructions of other courts are relevant and persuasive authority, each district court must make its own judgment as to claim construction. *Texas Instruments, Inc. v. Linear Tech. Corp.*, 182 F. Supp. 2d 580, 589 (E.D. Tex. 2002). Here, given the large number of Actions asserting overlapping, complex patents in at least three different courts, the parties face the untenable prospect of several different claim constructions on identical claim terms. Such varying claim constructions could result in contradictory determinations on the core issues of infringement and invalidity. Consolidation is therefore necessary to ensure uniform application of the patent claims across all the Actions. *See In re Columbia Univ. Patent Litig.*, 313 F. Supp. 2d 1383, 1385 (J.P.M.L. 2004) (“Centralization . . . is necessary in order to . . . prevent inconsistent pretrial rulings, especially with respect to time-consuming and complex matters of claim construction”); *see also In re Mosaid Tech., Inc. Patent Litig.*, 283 F. Supp. 2d 1359, 1360 (J.P.M.L. 2003) (same).

As noted above, Rembrandt’s assertion of so many overlapping patents means that the defendants will all pursue much of the same discovery to elicit facts to support their defenses. For example, all defendants can be expected to pursue documents and depositions supporting the defense of invalidity based on anticipation or obviousness, including

documents and depositions relating to the same prior inventions, prior printed publications, prior commercial sales and prior uses. *See* 35 U.S.C. §§ 102, 103. All defendants are also likely to see discovery relating to the enforceability of the asserted patents, including any inequitable conduct during their prosecution and/or unreasonable prosecution delays, which would result in a finding of prosecution laches. *See, e.g. Symbol Techs., Inc. v. Lemelson Med. Edu. & Research Found., L.P.*, 422 F.3d 1378, 1384-85, *amended on other grounds by* 429 F.3d 1051 (Fed. Cir. 2005). Furthermore, the defendants will also seek the same damages discovery relating to reasonable royalty factors, thereby resulting in duplicative and wasteful discovery efforts. Consolidation and coordination of the Actions for pretrial proceedings would therefore promote the just and efficient conduct of the Actions by avoiding wasteful and duplicative discovery efforts as well as inconsistent pretrial rulings.

Finally, but for the claim of infringement of the ‘627 patent, all of Rembrandt’s infringement claims relate to the provision of high speed internet and related services by virtue of DOCSIS-compliant cable modems and related equipment. By consolidating all of the Actions in one forum, the transferee court will, at its discretion, be able to sever out and consolidate those claims relating to the ‘627 patent/ATSC standard, while preserving the consolidation of all the actions involving patents implicating the DOCSIS industry standard.

III. THE DISTRICT COURT OF DELAWARE IS THE APPROPRIATE TRANSFeree DISTRICT.

Consolidation and transfer to the District of Delaware, before Judge Gregory M. Sleet, is the most appropriate action. Factors considered by the Panel when selecting a particular transferee forum include: (1) the pendency in that district of a number of the actions; (2) the court’s familiarity with the issues; (3) the district or judge’s willingness to

accept responsibility for conducting coordinated or consolidated pretrial proceedings; and (4) the favorable status of the civil docket. *In re PharmaStem Therapeutics, Inc. Patent Litig.*, 360 F. Supp. 2d 1362, 1364 (J.P.M.L. 2005) (transfer to judge who was already familiar with the technology involved and who had related cases pending within his district); *In re Mirtazapine Patent Litig.*, 199 F. Supp. 2d 1380, 1381 (J.P.M.L. 2003) (Panel gave weight to the judge's familiarity with the patents at issue, the pendency of 5 of the 6 actions within that district, and the judge's favorable caseload); *In re FMC Corp. Patent Litig.*, 422 F. Supp. 1163, 1165 (J.P.M.L. 1976) (transfer to judge who is more familiar with patents involved and related cases were in a more advanced stage of discovery); *In re Ampicillin Antitrust Litig.*, 315 F. Supp. 317, 319 (J.P.M.L. 1970) (stating that "availability of an experienced and capable judge familiar with the litigation is one of the more important factors in selecting a transferee forum"). The Panel also considers public and judicial policies when determining whether and where to consolidate separate proceedings pursuant to 28 U.S.C. § 1407.

A. Number of Related Cases and Parties Pending in Delaware.

Of the fourteen actions currently at issue, at least six of the actions are currently pending before Judge Sleet in the District of Delaware. In situations where there are actions currently pending in a district, the Panel has expressed "a strong policy favoring the litigation of related claims in the same tribunal." *In re Koratron*, 302 F. Supp. 239, 243 (J.P.M.L. 1969); *see also In re Mirtazapine Patent Litig.*, 199 F. Supp. 2d 1380 (J.P.M.L. 2002); *In re CBS Color Tube Patent Litig.*, 329 F. Supp. 540 (J.P.M.L. 1971). Given the Panel's strong policy favoring transfer to forums where related cases are currently pending and given that a number of the actions are currently proceeding before Judge Sleet in the District of Delaware, transfer and consolidation in the District of Delaware is appropriate.

B. Judge Sleet is Familiar with the Patents.

More importantly, however, Judge Sleet is familiar with and has some understanding of the complex technology at issue in the Actions. The Panel has repeatedly recognized that “the availability of an experienced and capable judge familiar with the litigation is one of the more important factors in selecting a transferee forum” *In re Ampicillin Antitrust Litig.*, 315 F. Supp. 317, 319 (J.P.M.L. 1970). This is especially true when dealing with patent litigation involving complex technologies. *In re PharmaStem Therapeutics, Inc. Patent Litig.*, 360 F. Supp. 2d 1362 (J.P.M.L. 2005) (transfer to district judge who was familiar with technologies involved); *In re Mirtazapine Patent Litig.*, 199 F. Supp. 2d 1380 (J.P.M.L. 2002) (ordering transfer to district judge who is familiar with the underlying issues); *In re Panty Hoe Seaming Patent Litig.*, 402 F. Supp. 1401 (J.P.M.L. 1975) (judge’s familiarity with patents in suit cited as only reason for transfer).

Here, each of the six actions currently pending before Judge Sleet assert claims relating to five of the nine patents at issue the Actions. Moreover, the actions pending before Judge Sleet implicate both of the industry standards at issue—ATSC and DOCSIS. As such, Judge Sleet has the opportunity to gain familiarity with a number of the patents at issue in the Actions. Furthermore, Judge Sleet, having presided over a number of complex patent litigation cases in the past, including a multidistrict litigation matter *see* Ex. 35, has demonstrated an understanding and ability to effectively administer this type of complex patent litigation. In fact, Judge Sleet has already indicated an interest in at least coordinating the six Rembrandt actions pending in Delaware. *See* Ex. 19 at 3-4. Thus, consolidation and transfer before Judge Sleet in the District of Delaware is most appropriate.

C. The Delaware Docket is Less Congested.

Of the three districts in which actions are currently pending, Delaware is the least congested, making it the logical choice for transfer. The Panel often considers the congestion of the proposed docket when determining the appropriate transferee forum pursuant to 28 U.S.C. § 1407. *In re Laughlin Prods., Inc. Patent Litig.*, 240 F. Supp. 2d 1358, 1359 (J.P.M.L. 2003) (transfer to a district that “enjoys general caseload conditions . . . with the present resources to devote time to pretrial matters” is preferable); *In re Compensation of Managerial, Professional & Technical Employees Antitrust Litig.*, 206 F. Supp. 2d 1374 (J.P.M.L. 2002) (transfer to district not already burdened with a complex docket was appropriate). According to the *2005 Annual Report of the Administrative Office of the United States Courts*, the number of civil cases pending in the D. Del. has decreased more than twelve percent from 2005 to 2006. *2005 Annual Report of the Administrative Office of the United States Courts*, Table C.⁶ There has also been a corresponding 17.3% decrease in the number of pending cases in the D. Del. in 2006, dropping from 1,733 cases in 2005 to 1,433 cases in 2006. *Federal Judicial Caseload Statistics*, March 31, 2006, Administrative Office of the United States Courts.⁷ Furthermore, based on the Federal Docket reports, Judge Sleet currently has 64 patent cases pending, demonstrating his familiarity with patent issues.⁸ Overall, it appears that the District of Delaware is less

⁶ The *2005 Annual Report of the Administrative Office of the United States Courts*, Table C provides statistics for the 24-month period ending on March 31, 2006. A copy of which is attached as Exhibit 36.

⁷ A copy of which is attached as Exhibit 37.

⁸ A copy of the docket for all patent cases pending before Judge Sleet is attached as Exhibit 38.

congested than either the E.D. Tex. or the S.D.N.Y.⁹ Thus, it is clear that Judge Sleet in the has the docket, availability and resources necessary to handle this complex patent litigation.

D. Delaware is Home Jurisdiction to Many Defendants.

CoxCom, like most of the defendants involved in the Actions,¹⁰ is incorporated in Delaware. As the home jurisdiction for most of the defendants, the D. Del. would be convenient for parties, witnesses and discovery. CoxCom and the other Delaware corporations would be subject to jurisdiction in Delaware, therefore making venue and jurisdiction proper, eliminating the possibility for expensive and time-consuming motions practice. Accordingly, the D. Del. is an appropriate venue for transfer and consolidation.

E. Policy Considerations Favor Transfer to Delaware.

Policy considerations also support consolidation in the D. Del. The purpose behind 28 U.S.C. § 1407 is “‘to promote the just and efficient conduct’ of multidistrict actions, in part, by ‘eliminating the potential for conflicting contemporaneous rulings by coordinate district and appellate courts.’” *In re Air Crash off Long Island, New York*, 965 F. Supp. 5, 7 (S.D.N.Y. 1997) (quoting *In re Korean Air Lines Disaster*, 829 F.2d 1171, 1179 (D.C. Cir. 1987)). Cases moving forward in many different courts could subject the parties to differing pre-trial judgments and rulings that could affect the final outcomes of the cases. This could

⁹ See the 2006 Federal Judicial Caseload Statistics for the United States District Court for the District of Delaware, Eastern District of Texas and Southern District of New York, attached as Exhibits 37, 39, & 40, respectively.

¹⁰ The following defendants are incorporated in Delaware: Comcast of Plano, LP; Time Warner Cable, Inc.; Charter Communications, Inc.; Charter Communications Operating, LLC; CSC Holdings, Inc.; Cablevision Systems Corp.; CBS Corporation; NBC Universal, Inc.; Fox Entertainment Group, Inc.; Fox Broadcasting Company; Adelphia Communications Corporation; Century-TCI California, LP, Century-TCI California Communications, LP; Century-TCI Distribution Company, LLC; Century-TCI Holdings, LLC; Parnassos Communications, LP; Parnassos Distribution Company I, LLC; Parnassos Distribution Company II, LLC; Parnassos Holdings, LLC; Parnassos, LP; and Western NY Cablevision, LP.

result in inconsistent claim constructions and evidentiary rulings for identical claims, technology, and systems, which is contrary to the very purposes for which the multidistrict transfer and consolidation statute was created. As such, consolidation in Delaware before Judge Sleet, is preferable as it would serve to promote the interests of judicial economy and efficiency for which the statute was created by eliminating the possibility of inconsistent claim construction, pretrial rulings and duplicative discovery.

IV. CONCLUSION

For the foregoing reasons, and the reasons to be stated in any reply brief and any oral argument on this matter, CoxCom respectfully requests that the Panel grant its Motion for Transfer and Consolidation and order that the Actions be consolidated and transferred to United States District Court for the District of Delaware before Judge Sleet for coordinated pretrial proceedings.

Respectfully submitted, this the 9th day of March 2007.



Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

Attorneys for COXCOM, INC.

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

Rembrandt Technologies, LP Patent
Litigation

MDL Docket No.

**EXHIBITS IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION
OF REMBRANDT TECHNOLOGIES PATENT LITIGATION PURSUANT TO 28
U.S.C. § 1407**

Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

In compliance with Rule 7.1(g) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (the “Panel”), Defendant CoxCom, Inc. (“CoxCom”)¹ herewith submits copies of the following referenced exhibits in support of its Motion For Transfer and Consolidation of Rembrandt Technologies Patent Litigation, file concurrently:

Exhibit 1	Plaintiff Rembrandt Technologies, LP Complaint, filed on February 3, 2006, in the matter of <i>Rembrandt Technologies, LP v. Sharp Corporation and Sharp Electronics Corporation</i> , No. 2:06-cv-047 (E.D. Tex.)
Exhibit 2	Docket Report in the matter of <i>Rembrandt Technologies, LP v. Sharp Corporation and Sharp Electronics Corporation</i> , No. 2:06-cv-047 (E.D. Tex.).
Exhibit 3	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement, filed on September 16, 2005, in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP</i> , No. 2:05-cv-443 (E.D. Tex.)
Exhibit 4	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP</i> , No. 2:05-cv-443 (E.D. Tex.)
Exhibit 5	Memorandum Opinion and Order of Judge Ward filed February 8, 2007 Granting Motion to disqualify counsel Fish & Richardson in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP</i> , No. 2:05-cv-443 (E.D. Tex.)
Exhibit 6	Order of Judge Ward filed February 8, 2007 Granting Motion to suspend all deadlines pending appointment of new counsel for plaintiff in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP</i> , No. 2:05-cv-443 (E.D. Tex.)
Exhibit 7	Plaintiff Rembrandt Technologies, LP First Amended Complaint, filed on December 21, 2006, in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano, LP</i> , No. 2:06-cv-506 (E.D. Tex.)
Exhibit 8	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Comcast Corporation; Comcast Cable Communications, LLC; and Comcast of Plano,</i>

¹ CoxCom is a defendant in the recently filed cases of *Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, No. 2:06-CV-223-TJW (E.D. Tex.) (Marshall Division) and *Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, No. 2:06-CV-507-TJW (E.D. Tex.) (Marshall Division). CoxCom is also a plaintiff in the recently filed declaratory judgment action of *CoxCom, Inc. v. Rembrandt Technologies, L.P.*, No. 06-721-GMS (D. Del.).

	<i>LP</i> , No. 2:06-cv-506 (E.D. Tex.)
Exhibit 9	Plaintiff Rembrandt Technologies, LP Complaint filed on June 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i> , No. 2:06-cv-224 (E.D. Tex.)
Exhibit 10	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i> , No. 2:06-cv-224 (E.D. Tex.)
Exhibit 11	Plaintiff Rembrandt Technologies, LP First Amended Complaint filed on February 23, 2007 in the matter of <i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i> , No. 2:06-cv-369 (E.D. Tex.)
Exhibit 12	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Time Warner Cable, Inc.</i> , No. 2:06-cv-369 (E.D. Tex.)
Exhibit 13	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement filed on June 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. Charter Communications, Inc.; Charter Communications Operating, LLC; Cox Communications, Inc.; Cox Enterprises, Inc.; CoxCom, Inc.; CSC Holdings, Inc., and Cablevision Systems Corporation</i> , No. 2:06-cv-223 (E.D. Tex.)
Exhibit 14	Docket sheet in the matter <i>Rembrandt Technologies, LP v. Charter Communications, Inc.; Charter Communications Operating, LLC; Cox Communications, Inc.; Cox Enterprises, Inc.; CoxCom, Inc.; CSC Holdings, Inc., and Cablevision Systems Corporation</i> , No. 2:06-cv-223 (E.D. Tex.)
Exhibit 15	Plaintiff Rembrandt Technologies, LP First Amended Complaint filed December 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. Charter Communications, Inc., Charter Communications Operating, LLC, and CoxCom, Inc.</i> , No. 2:06-cv-507 (E.D. Tex.)
Exhibit 16	Docket Sheet in the matter of <i>Rembrandt Technologies, LP v. Charter Communications, Inc., Charter Communications Operating, LLC, and CoxCom, Inc.</i> , No. 2:06-cv-507 (E.D. Tex.)
Exhibit 17	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement filed on October 13, 2006 in the matter of <i>Rembrandt Technologies, LP v. Cablevision Systems Corporation and CSC Holdings, Inc.</i> , No. 1:06-cv-635 (D. Del.)
Exhibit 18	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Cablevision Systems Corporation and CSC Holdings, Inc.</i> , No. 1:06-cv-635 (D. Del.)
Exhibit 19	Joint Status Report filed on February 9, 2007 in the matter of <i>Rembrandt Technologies, LP v. Cablevision Systems Corporation and CSC Holdings, Inc.</i> , No. 1:06-cv-635 (D. Del.)
Exhibit 20	Plaintiff CoxCom, Inc. Complaint for Declaratory Judgment filed on November 30, 2006 in the matter of <i>CoxCom, Inc. v. Rembrandt Technologies, LP</i> , No. 1:06-cv-721 (D. Del.)
Exhibit 21	Docket sheet in the matter of <i>CoxCom, Inc. v. Rembrandt Technologies, LP</i> , No. 1:06-cv-721 (D. Del.)
Exhibit 22	Plaintiff Rembrandt Technologies, Inc. Complaint for Patent Infringement and Demand for Jury Trial filed on December 1, 2006 in the matter of

	<i>Rembrandt Technologies, LP v. CBS Corporation</i> , No. 1:06-cv-727 (D. Del.)
Exhibit 23	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. CBS Corporation</i> , No. 1:06-cv-727 (D. Del.)
Exhibit 24	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement and Demand for Jury trial filed on December 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. NBC Universal, Inc.</i> , No. 1:06-cv-729 (D. Del.)
Exhibit 25	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. NBC Universal, Inc.</i> , No. 1:06-cv-729 (D. Del.)
Exhibit 26	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement and Demand for Jury trial filed on December 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. ABC, Inc.</i> , No. 1:06-cv-730 (D. Del.)
Exhibit 27	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. ABC, Inc.</i> , No. 1:06-cv-730 (D. Del.)
Exhibit 28	Plaintiff Rembrandt Technologies, LP Complaint for Patent Infringement and Demand for Jury trial filed on December 1, 2006 in the matter of <i>Rembrandt Technologies, LP v. Fox Entertainment Group, Inc. and Fox Broadcasting Company</i> , No. 1:06-cv-731 (D. Del.)
Exhibit 29	Docket sheet in the matter of <i>Rembrandt Technologies, LP v. Fox Entertainment Group, Inc. and Fox Broadcasting Company</i> , No. 1:06-cv-731 (D. Del.)
Exhibit 30	Plaintiff Rembrandt Technologies, LP's Motion to Withdraw the Reference to the Bankruptcy Court filed on January 11, 2007 in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century-TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP</i> , No. 1:07-cv-214 (S.D. New York).
Exhibit 31	Docket sheet in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century- TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP</i> , No. 1:07-cv-214 (S.D. New York).
Exhibit 32	Preliminary Expert Report of Kevin C. Almeroth dated November 13, 2006 in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century- TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP</i> , No. 1:07-cv-214 (S.D. New York).

Exhibit 33	Plaintiff Rembrandt Technologies, LP's Complaint for Post-Petition Patent Infringement filed on September 13, 2006 in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century-TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP, Adversary Proceeding No. 06-1739 (S.D. New York).</i>
Exhibit 34	Docket sheet in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century- TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP, Adversary Proceeding No. 06-1739 (S.D. New York).</i>
Exhibit 35	Transfer Order filed on February 16, 2005, <i>In Re Pharmastem Therapeutics, Inc., Patent Litigation</i> , Judicial Panel on Multidistrict Litigation Case No. 1:05-md-01660.
Exhibit 36	2005 Annual Report of the Administrative Office of the United States Courts Table C: U.S. District Courts- Civil Cases Commenced, Terminated and Pending During the 12-month Periods Ending Marcy 31, 2005 and 2006.
Exhibit 37	U.S. District Court Judicial Caseload Profile for the District of Delaware.
Exhibit 38	Docket List of Pending Patent Cases in the District of Delaware before Judge Sleet.
Exhibit 39	U.S. District Court Judicial Caseload Profile for the Eastern District of Texas.
Exhibit 40	U.S. District Court Judicial Caseload Profile for the Southern District of New York.
Exhibit 41	Declaration of Brian Ferrall
Exhibit 42	February 14, 2007 Letter to counsel for Cox Communication, Inc. from Rembrandt
Exhibit 43	Declaration of Eilish M. Cahalan in Support of Defendants' Memorandum in Opposition to Plaintiff's Motion to Withdraw the Reference to the Bankruptcy Court filed March 2, 2007 in the matter of <i>In Re Adelphia Communication Corp. Rembrandt Technologies, LP v. Adelphia Communications Corp. Corporation, Century-TCI California Communications, LP, Century- TCI Distribution Company, LLC, Century-TCI Holdings, LLC, Parnassos, L.P., Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution Company II, LLC, Parnassos Holdings, LLC, Western NY Cablevision, LP, No. 1:07-cv-214 (S.D. New York).</i>

This the 9th day of March 2007.



Mitchell G. Stockwell
R. Scott Griffin
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

_____)	
In re:)	
)	
Rembrandt Technologies, LP Patent)	MDL Docket No.
Litigation)	
_____)	

**NOTICE OF APPEARANCE OF COUNSEL
REPRESENTING DEFENDANT COXCOM, INC.**

In compliance with Rule 5.2(c), R.P.J.P.M.L., 199 F.R.D. 425, 431 (2001), the following designated attorney is authorized to receive service of all pleadings, notices, orders, and other papers relating to practice before the Judicial Panel on Multidistrict Litigation on behalf of defendant CoxCom, Inc. I am aware that only one attorney can be designated for each party.

Dated: March 9th, 2007.

By: 
Mitchell G. Stockwell
KILPATRICK STOCKTON
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6214
(404) 541-3403 (facsimile)

**Attorney for Defendant COXCOM,
INC.**

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

_____)	
In re:)	
)	
Rembrandt Technologies, LP Patent)	MDL Docket No.
Litigation)	
_____)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 5.3 of the Rules of Procedure of the Judicial Panel for Multidistrict Litigation, Defendant Coxcom, Inc., through its attorneys, declares that Coxcom, Inc. is a wholly owned subsidiary of Cox Enterprises, Inc., a privately owned company.

Dated: March 9th, 2006.

By: 
Mitchell G. Stockton
KILPATRICK STOCKTON
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
(404) 815-6555

**Attorney For Defendant:
COXCOM, INC.**

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

Rembrandt Technologies, LP Patent
Litigation

MDL Docket No.

CERTIFICATE OF SERVICE

Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

ATTORNEYS FOR COXCOM, INC.

CERTIFICATE OF SERVICE

I hereby certify that on 9th day of March, 2007, copies of the following documents:

1. Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
2. Memorandum of Law in Support Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
3. Exhibits in Support of Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
4. Notice of Appearance of Counsel;
5. Corporate Disclosure Statement; and
6. Notice of Filing Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407 [for each party's respective case].

were served by U.S. Mail, postage pre-paid, upon the following parties and counsel on the attached Service List.

I further certify that on the 9th day of March, 2007, pursuant to Rule 5.2(b) of the Judicial Panel on Multidistrict Litigation, I caused to be served the following documents by U.S. Mail, postage pre-paid:

1. Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
2. Memorandum of Law in Support Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
3. Exhibits in Support of Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407;
4. Notice of Appearance of Counsel;
5. Corporate Disclosure Statement; and

6. Notice of Filing Motion for Transfer and Consolidation of Rembrandt Technologies Patent Litigation Pursuant to 28 U.S. C §1407 [to District Courts for the following cases:].

U.S. District Court for the Eastern District of Texas

Case No. 02:05-cv-443-TJW; Case No. 02:06-cv-047-TJW; Case No. 02:05-cv-223-TJW;
Case No. 02:06-cv-224-TJW; Case No. 02:06-cv-369-TJW; Case No. 02:06-cv-506-TJW;
Case No. 02:06-cv-507-TJW

U. S. District Court for the District of Delaware

Case No. 1:06-cv-635-GMS; Case No. 1:06-cv-721-GMS; Case No. 1:06-cv-727-GMS;
Case No. 1:06-cv-729-GMS; Case No. 1:06-cv-730-GMS; Case No. 1:06-cv-731-GMS

U. S. District Court for the Southern District of New York

Case No. 1:07-cv-214-WHP

U. S. Bankruptcy Court for the Southern District of New York

Case No. 06-01739-REG

The above documents were filed in electronic format using the CM/ECF system to the following United States District Courts: U.S. District Court for the Eastern District of Texas, Marshall Division; U. S. District Court for the Southern District of New York, Foley Square Division; and U. S. Bankruptcy Court for the Southern District of New York, Manhattan Division.

The above documents were sent in paper format via Federal Express to the Clerk of the Court of for the U. S. District Court for the District of Delaware, Wilmington Division for filing.

This the 9th day of March 2007.



Mitchell G. Stockwell
Taylor Higgins Ludlam
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7300
Facsimile: (336) 607-7500

ATTORNEYS FOR COXCOM, INC.

**In re: Rembrandt Technologies, LP Patent Litigation Service List
Parties Represented by Counsel**

Steven J. Balick, Esq.
Lauren E. Maguire, Esq.
Ashby & Geddes
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
sbalick@ashby-geddes.com
lmauire@ashby-geddes.com
Attorneys for Plaintiff and Counter Defendant Rembrandt Technologies LP
1:06-cv-00727 (D. Del.); 1:06-cv-00729 (D. Del.); 1:06-cv-00730 (D. Del.);
1:06-cv-00731 (D. Del.)

Samuel Franklin Baxter, Esq.
PO Box O
Marshall, TX 75671
sbaxter@mckoolsmith.com
Attorney for Plaintiff Rembrandt Technologies, LP
2:06-cv-000047 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.);
Attorney for Plaintiff and Counter Defendant Rembrandt Technologies, LP 2:06-cv-00223 (E.D. Tex.); 2:05-cv-443 (E.D. Tex.)

David J. Beck, Esq.
Beck Redden & Secrest
1221 McKinney Street, Suite 4500
One Huston Center
Houston, TX 77010
dbeck@brsfirm.com
ggannaway@brsfirm.com
Attorney for Plaintiff Rembrandt Technologies, LP 2:05-cv-443 (E.D. Tex.)

Denis Ticak, Esq.
Benesch Friedlander Coplan & Aronoff-Cleveland
2300 BP Tower
200 Public Square
Cleveland, OH 44114
dticak@bfca.com
Attorney for Plaintiff Rembrandt Technologies, LP
2:05-cv-443 (E.D. Tex.)

Elizabeth L. DeRieux, Esq.
Sidney Calvin Capshaw, III, Esq.
Andrew Wesley Spangler, Esq.
Brown Carroll - Longview
1127 Judson Road, Suite 220
PO Box 3999
Longview, TX 75606
ederieux@mailbmc.com
ccapshaw@mailbmc.com
aspangler@mailbmc.com
Attorneys for Plaintiff Rembrandt Technologies, LP
2:05-cv-443 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.) 2:06-cv-00506 (E.D. Tex.)

Gerald Levy, Esq.
Richard H. Brown, Esq.
Yukio Kashiba, Esq.
Day Pitney LLP
7 Times Square
New York, NY 10036-7311
glevy@pitneyhardin.com
rbrown@pitneyhardin.com
ykashiba@pitneyhardin.com
Attorneys for Defendant and Counter Claimant Sharp Electronics Corp.
2:06-cv-000047 (E.D. Tex.)

Robert W. Faulkner, Esq.
JAMS
8401 North Central Expressway, Suite 610
Dallas, TX 75225
rfaulkner@jamsadr.com
Mediator 2:05-cv-443 (E.D. Tex.)

Amanda J. Tessar, Esq.
David A. Segal, Esq.
Gibson Dunn & Crutcher, LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Email: atessar@gibsondunn.com
Email: dsegal@gibsondunn.com
Attorneys for Defendants and Counter Claimants
Cablevision Systems Corporation and
CSC Holdings Inc. 1:06-cv-00635 (D. Del.)

Harry Lee Gillam, Jr., Esq.
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, TX 75670
gil@gillamsmithlaw.com
Attorney for Defendants Comcast Corporation, Comcast Cable Communications, LLC and Comcast of Plano, LP
2:05-cv-443 (E.D. Tex.)

Jennifer Haltom Doan, Esq.
Haltom and Doan LLP
6500 North Summerhill Road
Crown Executive Center Suite 1A
PO Box 6227
Texarkana, TX 75505
jdoan@haltomdoan.com
Attorney for Defendants and Counter Claimants Comcast Corporation, Comcast Cable Communications, LLC, Comcast of Plano, LP, , 2:05-cv-443 (E.D. Tex.);
Attorney for Defendants and Counter Claimants Comcast Corporation, Comcast Cable Communications, LLC and Comcast of Plano, LP 2:06-cv-00506 (E.D. Tex.)

**In re: Rembrandt Technologies, LP Patent Litigation Service List
Parties Represented by Counsel**

Otis W. Carroll, Jr., Esq.
Collin Michael Maloney, Esq.
James Patrick Kelley, Esq.
Ireland Carroll & Kelley
6101 S. Broadway, Suite 500
Tyler, TX 75703
fedserv@icklaw.com
patkelley@icklaw.com
Attorneys for Plaintiff Rembrandt Technologies, LP 2:05-cv-443 (E.D. Tex.); 2:06-cv-00506 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)

Franklin Jones, Jr., Esq.
Jones & Jones – Marshall
201 W Houston St
PO Drawer 1249
Marshall, TX 75670
maizieh@millerfirm.com
Attorneys for Plaintiff Rembrandt Technologies, LP 2:05-cv-443 (E.D. Tex.); 2:06-cv-00506 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00223 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)

David S. Benyacar, Esq.
Michael A. Rogoff, Esq.
Kaye Scholer – New York
425 Park Avenue
New York, NY 10022
dbenyacar@kayescholer.com
mrogoff@kayescholer.com
*Attorneys for Defendant Time Warner Cable Inc. 2:06-cv-00224 (E.D. Tex.)
Attorneys for Movant Time Warner Cable, Inc. 2:05-cv-443 (E.D. Tex.)*

Daralyn J. Durie, Esq.
Leo L. Lam, Esq.
Matthias Andreas Kamber, Esq.
Steven K. Yoda, Esq.
Asim M. Bhansali, Esq.
Brian L. Ferrall, Esq.
Eric MacMichael, Esq.
Matthew M. Werdegar, Esq.
Keker & Van Nest
710 Sansome St
San Francisco, CA 94111
ddurie@kvn.com
llam@kvn.com
mkamber@kvn.com
syoda@kvn.com
abhansali@svn.com
bferrall@kvn.com
emacmichael@kvn.com
mwerdegar@kvn.com
Attorneys for Defendant and Counter Claimant Comcast Corporation Defendant and Counter Claimant Comcast Cable Communications, LLC, Defendant and Counter Claimant Comcast of Plano, LP 2:05-cv-443 (E.D. Tex.)

Candice C. Decaire, Esq.
Leroy M. Toliver, Esq.
Mitchell G. Stockwell, Esq.
R. Scott Griffin, Esq.
Kilpatrick Stockton LLP – Atlanta
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
cdecaire@kilpatrickstockton.com
btoliver@kilpatrickstockton.com
mstockwell@kilpatrickstockton.com
sgriffin@kilpatrickstockton.com
*Attorneys for Defendant Coxcom, Inc. 2:06-cv-00223 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)
Attorneys for Plaintiff Coxcom Inc. 1:06-cv-00721 (D. Del.)*

Tonya R. Deem, Esq.
Kilpatrick Stockton LLP
1001 W. Fourth Street
Winston-Salem, NC 27101
tdeem@kilpatrickstockton.com
*Attorney for Defendant Coxcom, Inc. 2:06-cv-00223 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)
Attorney for Plaintiff Coxcom, Inc. 1:06-cv-00721 (D. Del.)*

Bradford P. Lyerla, Esq.
Charles Edward Juister, Esq.
Gregory E. Stanton, Esq.
Jon-Thomas Bloch, Esq.
Kevin D. Hogg, Esq.
Margaret Lynn Begalle, Esq.
Paul Bryan Stephens, Esq.
William Joseph Kramer, Esq.
Marshall Gerstein & Borun
233 S. Wacker Dr.
6300 Sears Tower
Chicago, IL 60606-6357
blyerla@marshallip.com
cjuister@marshallip.com
gstanton@marshallip.com
jbloch@marshallip.com
khogg@marshallip.com
mbegalle@marshallip.com
pstephens@marshallip.com
wkramer@marshallip.com
Attorneys for Defendants Charter Communications, Inc. and Charter Communications Operating, LLC 2:06-cv-00223 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)

In re: Rembrandt Technologies, LP Patent Litigation Service List **Parties Represented by Counsel**

David Sochia, Esq.
Douglas A. Cawley, Esq.
Bradley Wayne Caldwell, Esq.
Jeffrey A. Carter, Esq.
McKool Smith- Dallas
300 Crescent Court, Suite 1500
Dallas, TX 75201

dcawley@mckoolsmith.com
dsochia@mckoolsmith.com
bcaldwell@mckoolsmith.com
jcarter@mckoolsmith.com

Attorneys for Plaintiff and Counter Defendant Rembrandt Technologies, LP 2:06-cv-000047 (E.D. Tex.)

Attorneys for Plaintiff Rembrandt Technologies, LP 2:05-cv-443 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00223 (E.D. Tex.)

John Franklin Garvish, II, Esq.
Travis Gordon White, Esq.
McKool Smith – Austin
300 W. 6th St
Ste 1700
Austin, TX 78701

jgarvish@mckoolsmith.com
gwhite@mckoolsmith.com

Attorneys for Plaintiff Rembrandt Technologies, LP 2:05-cv-443 (E.D. Tex.); 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00223 (E.D. Tex.)

Rodger Dallery Smith, II, Esq.
Leslie A. Polizoti, Esq.
Jack B. Blumenfeld, Esq.
Morris, Nichols, Arsh & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

rdsefiling@mnat.com
lpolizoti@mnat.com
jbbefiling@mnat.com

Attorneys for Plaintiff Coxcom Inc. 1:06-cv-00721 (D. Del.)
Attorneys for Defendant Rembrandt Technologies LP 1:06-cv-00721 (D. Del.)

Attorneys for Defendant and Counter Claimant CBS Corporation 1:06-cv-00727 (D. Del.)
Attorneys for Defendant and Counter Claimant NBC Universal Inc. 1:06-cv-00729 (D. Del.)

Attorneys for Defendant and Counter Claimant ABC Inc. 1:06-cv-00730 (D. Del.)

William L. Anthony, Esq.
William W. Oxley, Esq.
Orrick Herrington & Sutcliff LLP
1000 Marsh Road
Menlo Park, CA 94025
wanthony@orrick.com
woxley@orrick.com

Attorneys for Defendants and Counter Claimants Fox Entertainment Group, Inc and Fox Broadcasting Company 1:06-cv-00731 (D. Del.)

Charles Ainsworth, Esq.

Robert Christopher Bunt, Esq.
Robert M. Parker, Esq.
Parker Bunt & Ainsworth., P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
charlie@pbatyler.com
rcbunt@pbatyler.com
mparker@pbatyler.com

Attorneys for Plaintiff and Counter Defendant Rembrandt Technologies, LP 2:06-cv-000047 (E.D. Tex.) 2:06-cv-00224 (E.D. Tex.); 2:06-cv-00223 (E.D. Tex.); 2:05-cv-443 (E.D. Tex.)

Attorneys for Plaintiff Rembrandt Technologies, LP 2:06-cv-00506 (E.D. Tex.); 2:06-cv-00507 (E.D. Tex.)

Allen Franklin Gardner, Esq.
Michael Edwin Jones, Esq.
Diane DeVasto, Esq.
Potter Minton, P.C.
110 N. College Street, Suite 500
Tyler, TX 75702

allengardner@potterminton.com
mikesjones@potterminton.com
dianedevasto@potterminton.com

Attorneys for Defendant and Counter Claimant Time Warner Cable Inc.

2:06-cv-00224 (E.D. Tex.); 2:06-cv-00369 (E.D. Tex.)

Attorney for Movant Time Warner Cable, Inc. 2:05-cv-443 (E.D. Tex.)

Attorneys for Defendant Coxcom, Inc. 2:06-cv-00223 (E.D. Tex.); LLC 2:06-cv-00507 (E.D. Tex.)

Attorneys for Counter Claimant Charter Communications, Inc. and Counter Claimant Charter Communications Operating, LLC 2:06-cv-00223 (E.D. Tex.)

Defendant Charter Communications, Inc. and Defendant Charter Communications Operating, LLC 2:06-cv-00507 (E.D. Tex.)

Richard L. Horowitz, Esq.
David Ellis Moore, Esq.
Potter Anderson & Corroon, LLP
1313 N. Market St., Hercules Plaza, 6th Flr.
P.O. Box 951
Wilmington, DE 19899-0951

rhowitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendants and Counter Claimants Fox Entertainment Group Inc. and Fox Broadcasting Company 1:06-cv-00731 (D. Del.)

**In re: Rembrandt Technologies, LP Patent Litigation Service List
Parties Represented by Counsel**

Walter Thomas Henson, Esq.
Ramey & Flock
100 E. Ferguson, Suite 500
Tyler, TX 75702-0629
thenson@rameyflock.com
Attorney for Defendant and Counter Claimant Sharp Corporation; Defendant and Counter Claimant Sharp Electronics Corp. 2:06-cv-000047 (E.D. Tex.)
Frederick L. Cottrell, III, Esq.
Kelly E. Farnan, Esq.
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
cottrell@rlf.com
farnam@rlf.com
Attorneys for Defendants and Counter Claimants Cablevision Systems Corporation and CSC Holdings Inc. 1:06-cv-00635 (D. Del.)

Max Lalor Tribble, Jr., Esq.
Joseph Samuel Grinstein, Esq.
Tibor L. Nagy, Esq.
Susman Godfrey LLP - Houston
1000 Louisiana Street, Ste 5100
Houston, TX 77002-5096
mtribble@susmangodfrey.com
jgrinstein@susmangodfrey.com
tanyag@susmangodfrey.com
Attorneys for Plaintiff and Counter Defendant Rembrandt Technologies, LP 2:06-cv-00369 (E.D. Tex.) 2:06-cv-00506 (E.D. Tex.) LP 2:06-cv-00507 (E.D. Tex.)
Attorneys for Plaintiff Rembrandt Technologies, LP Adversary Proceeding 06-01739 (S.D. N. Y)

Brooke Ashley-May Taylor, Esq.
Edgar G. Sargent, Esq.
Matthew R. Berry, Esq.
Susman Godfrey, LLP - Seattle
1201 Third Avenue, Suite 3100
Seattle, WA 98101
btaylor@susmangodfrey.com
esargent@susmangodfrey.com
mberry@susmangodfrey.com
Attorneys for Plaintiff and Counter Defendant Rembrandt Technologies, LP 2:06-cv-00506 (E.D. Tex.); 2:06-cv-00369 (E.D. Tex.);
Attorneys for Plaintiff Rembrandt Technologies, LP 2:06-cv-00507 (E.D. Tex.); Adversary Proceeding 06-01739 (S.D. N. Y)

Vineet Bhatia, Esq.
James L. Garrity, Jr.
Susman Godfrey LLP
590 Madison Ave., 8th Floor
New York, NY 10022
Attorneys for Plaintiff Rembrandt Technologies, LP 1:07-cv-00214 (S.D.N.Y.); Attorney for Plaintiff and Counter Defendant Rembrandt Technologies, LP Adversary Proceeding 06-01739 (S.D. N. Y)

Shelley C. Chapman, Esq.
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, NY 10019-6099
maosbny@willkie.com
Attorney for Defendants and Counter Claimants Adelphia Communications Corporation, Century-TCI California Communications, LP, Century-TCI Distribution Company, LLC, Century-TCI Holdings, LLC, Parnassos Communications, LP, Parnassos Distribution Company I, LLC, Parnassos Distribution II, LLC, Parnassos Holdings, LLC, Parnassos, L.P., Western NY Cablevision, LP Adversary Proceeding 06-01739 (S.D. N. Y)

Kevin M. Baird, Esq.
James Michael Lennon, Esq.
Womble Carlyle Sandridge & Rice, PLLC
222 Delaware Avenue
Suite 1501
Wilmington, DE 19801
kbaird@wcsr.com
jlennon@wcsr.com
Attorneys for Plaintiff Rembrandt Technologies LP 1:06-cv-00635 (D. Del.)
Attorneys for Defendant Rembrandt Technologies LP 1:06-cv-00721 (D. Del.)